United Nations S/PV.5121

Security Council

Sixtieth year

Provisional

5121st meeting

Tuesday, 15 February 2005, 10 a.m.

New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. D'Alotto
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Fendrick

Agenda

Election of a member of the International Court of Justice (S/2005/50, S/2005/51 and S/2005/52)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-23755 (E)

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice (S/2005/50, S/2005/51, S/2005/52)

The President (*spoke in French*): I should like to recall that at its 5070th meeting, on 4 November 2004, the Security Council adopted resolution 1571 (2004), by which it decided that the election to fill the vacancy in the International Court of Justice should take place on 15 February 2005 at a meeting of the Security Council and at a meeting of the General Assembly at its fifty-ninth session.

This morning, the Security Council and the General Assembly will proceed independently with the election, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling the vacancy which occurred on 11 February 2005 owing to the resignation of Judge and former President of the Court, Mr. Gilbert Guillaume of France.

The Security Council has before it the following documents: S/2005/50, which contains the nomination of a candidate by national groups of States parties to the Statute of the International Court of Justice; and S/2005/52, which contains the curriculum vitae of the candidate.

I should like to inform the Council that, after the expiration of the deadline for submission of nominations, the Secretariat has been informed that the German, Honduran, Italian, Polish, Romanian, Swiss and Uruguayan national groups nominated Mr. Ronny Abraham as a candidate.

The Security Council also has before it a memorandum by the Secretary-General, contained in document S/2005/51, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

Article 15 of the Statute of the Court provides that

> "A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term."

Accordingly, the member elected to fill the remainder of the term left vacant by the resignation of Judge Gilbert Guillaume will serve until 5 February 2009.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the name of the candidate. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" in the box next to the name of the candidate for whom they wish to vote. Votes may be cast only for a candidate whose name appears on the ballot paper.

I should like to remind members of paragraph 15 of the Secretary-General's memorandum (S/2005/51), which specifies that "Each elector may vote for only one candidate". Any ballot paper containing votes for more than one name will be considered invalid. When a candidate has obtained the required majority of votes, I shall communicate the result to the President of the General Assembly, and I shall request the Council to remain in session, pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations, excluding Benin, which presides in February, to serve as tellers.

* * *

The President (*spoke in French*): The names of the delegations of Denmark and Romania have been drawn. I request them to appoint one of their members to serve as teller.

At the invitation of the President, Mr. Christensen (Denmark) and Mr. Onisii (Romania) acted as tellers.

The President (*spoke in French*): May I take it that the Council is now ready to proceed with the

election of a member for the International Court of Justice?

It is so decided.

I request the conference officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

* * *

The President (*spoke in French*): Now that all members of the Council have voted, I ask the conference officer to collect the ballot papers.

* * *

The President (*spoke in French*): All the ballot papers have been collected. I should like to remind the members of the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending receipt of that information.

* * *

The President (*spoke in French*): I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As agreed in our consultation, there will be two independent countings of the ballots, one by each teller.

* * *

The President (*spoke in French*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	15

Accordingly, Mr. Ronny Abraham has obtained the required majority of votes in the Security Council.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The President (*spoke in French*): I should like to inform the members of the Council that I have just received from the President of the General Assembly a letter, which reads, in part, as follows:

> "I have the honour to inform you that, at the 81st plenary meeting of the General Assembly, held today for the purpose of electing one member of the International Court of Justice, Mr. Ronny Abraham obtained an absolute majority of votes in the General Assembly."

As both the Security Council and the General Assembly have agreed on the candidate, the distinguished jurist Mr. Ronny Abraham has been elected as a member of the International Court of Justice for the remainder of the term of office of Judge Guillaume, that is, until 5 February 2009.

I should like to congratulate him and to wish him every success in the high office to which he has been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 12.10 p.m.

United Nations S/PV.5122

Security Council

Sixtieth year

Provisional

5122nd meeting

Tuesday, 15 February 2005, 1.05 p.m.

New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. Mayoral
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mrs. Papadopoulou
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Smirnov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mrs. Patterson

Agenda

The situation in the Middle East

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05-23891 (E)

The meeting was called to order at 1.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council received a briefing from the Secretariat on the situation in Lebanon on 15 February 2005.

"The Security Council unequivocally condemns the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and others and caused serious injury to dozens of people, including former Minister Basil Fleihan.

"The Security Council expresses its deepest sympathy and condolences to the people and Government of Lebanon and to the victims and their families.

"The Council calls on the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of this heinous terrorist act and notes the Lebanese Government's commitments in this regard. The Council urges all States, in accordance with its resolutions 1566 (2004) and 1373 (2001), to cooperate fully in the fight against terrorism.

"The Security Council is gravely concerned by the murder of the former Prime Minister of Lebanon and its possible impact on ongoing efforts by the people of Lebanon to solidify Lebanon's democracy, including during the upcoming parliamentary elections. Such a terrorist act should not jeopardize the holding of these elections in transparent, free and democratic conditions.

"The Security Council is concerned by the potential for further destabilization of Lebanon, and expresses hope that the Lebanese people will be able to emerge from this terrible event united and to use peaceful means in support of their long-standing national aspiration to full sovereignty, independence and territorial integrity.

"The Security Council reaffirms its previous calls upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.

"The Security Council requests the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of this terrorist act."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2005/4.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.10 p.m.

United Nations S/PV.5123

Security Council

Sixtieth year

Provisional

5123rd meeting

Wednesday, 16 February 2005, 10 a.m.
New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. Mayoral
	Brazil	Mr. Valle
	China	Mr. Wang Guangya
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mrs. Patterson

Agenda

The situation between Iraq and Kuwait

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05-23985 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sumaida'ie (Iraq) took a seat at the Council table.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I would like to welcome the presence of the Secretary-General, Mr. Kofi Annan, at this meeting.

At this meeting the Security Council will hear a briefing by Mr. Kieran Prendergast, to whom I now give the floor.

Mr. Prendergast: The simultaneous holding of three elections in Iraq on 30 January 2005 — for the Transitional National Assembly, 18 governorate councils and the Kurdistan National Assembly — was a momentous event for Iraqis and for the international community. Although only a first step, it marks a significant development in Iraq's transition to democratic government, as outlined in Security Council resolution 1546 (2004).

Despite attempts at violent disruption, turned out in large numbers to exercise their ri vote. On election day, the Secretary-General tribute to the courage of the Iraqi people congratulated the Independent Electoral Comm of Iraq as well as the thousands of Iraqi el workers and monitors, on having carried out elections within such a limited time frame and such challenging circumstances. The succ conduct of the elections has rightly been met positive responses, both inside and outside including from the Council.

The elections met recognized standards in of election organization, regulations and proce The assessments of Iraqi and international obs indicate overall satisfaction with the conduct polls. The number of serious irregularities complaints conveyed to the Independent El Commission has been relatively small, an complaints are being investigated and addressed Commission.

The results announced on 13 February conf overall turnout of more than 8 million voters f elections to the Transitional National Assembl shall have to await the final certification of resu the Commission in order to have the final alloca seats and thus know the breadth of the spectr political representation. The electoral syste proportional representation with a single n constituency — was chosen precisely with the facilitating a wide range of representation. Bu clear that, for whatever reason, turnout was l areas with a high percentage of Sunni Arabs.

We are pleased that the Iraqis were able t elections despite all the difficulties. The election an important staging post, successfully reached, long and difficult process of political transition. proud of the role played by the United N pursuant to our mandate based on resolution (2004). Under the overall responsibility of the S Representative of the Secretary-General, Mr. Qazi, and the able direction of Mr. Carlos Valer and with the support of the Electoral Assi Division, headed by Ms. Carina Perelli, the Nations electoral assistance team was able to effectively with the members of the Indep Electoral Commission to ensure that all the nec preparations were put in place within a very tigh frame.

The electoral assistance team, which, in addition to United Nations personnel, included experts from the European Union, the United Kingdom, Chile and the International Foundation for Election Systems, provided technical, logistical, financial and administrative assistance to the Commission in a number of key areas.

It is clear from the overall level of participation that the majority of the Iraqi people are committed to the political transition process that the country is undergoing. But regional variations were significant. As I have already noted, the turnout among Arab Sunnis was markedly lower than for other communities. This is something that needs to be addressed if there is to be more complete participation in the constitution-making process and the referendum. In accordance with its mandate, the United Nations stands ready to assist with this effort. The security situation remains fragile and challenging, as demonstrated by the resumption of daily attacks against Iraqis and foreigners alike. However, we hope that the elections will mark a watershed and that success in making the political transition more inclusive will have a positive effect on the security situation.

From our experience in Afghanistan and elsewhere, we have learned that the challenge in any political transition ultimately lies in achieving a sustainable process that leads to an outcome — in this case, a constitution and a legitimately elected parliament and Government — in which all Iraqis feel that they have a stake. This implies a realization by Iraqis that failure to engage in national dialogue and reconciliation could bring strife far more damaging than the compromises either side would have to make under an agreed peace.

The key to forging such a national understanding is the making of the new constitution. Iraq's most immediate challenge is to form a transitional Government that is broadly representative of Iraqi society and to find ways to bring together all Iraqi constituencies in a national effort to define the future of their country. The prospect of a referendum just eight months from now should serve as an important incentive for an inclusive, participatory and transparent constitutional process, given that a two-thirds vote for rejection in three governorates would block the adoption of the new constitution.

Our impression is that Iraqis understand the great responsibility that comes with the drafting of a new constitution. They know that it will affect their lives and those of their children for a long time to come. Some difficult questions are bound to arise, pertaining to the future character of the State and to the relationship among Iraq's diverse communities. These issues concern Iraqis as a people and Iraq as a nation, so it will be important that the new Iraqi leadership signal clearly that each of the country's communities will have the chance to participate in shaping the future of their country. Similarly, all Iraqi constituencies ought to see that they have an interest in articulating a clear and reasonable agenda that contributes constructively to Iraq's constitutional debate.

Already, prominent political leaders in Iraq have signalled their sensitivity to the fact that certain constituencies, particularly among Arab Sunnis and other Arab nationalists, are likely to find themselves under-represented in the Transitional Assembly due to the low turnout in some regions. Those leaders have indicated their determination to assuage any fears of political alienation, including by raising the possibility of inviting representatives of groups that did not, or could not, take part in the elections to participate both in the transitional Government and in the constitution-drafting process. Conversely, some political elements that had urged a boycott or postponement of elections now appear to be insisting that their views must be included in any dialogue and that they have the right to participate fully in the drafting of a permanent constitution.

Meanwhile, Iraqis will expect their Transitional Assembly and Government to deliver on matters of immediate concern to them. As a matter of priority, Iraqis need to be able to go about their lives without fear of terrorism, violence and insecurity of all types. The better and the faster that Iraqi security forces can be trained, the sooner they will be able to assume their responsibilities and fully take charge of the country's security. Equally important, the transitional authorities will need to find ways to improve the daily living conditions of Iraqis by stepping up reconstruction, development and humanitarian activities.

The United Nations has a mandate to assist in all those areas. We are already actively engaged in doing so, and we intend to intensify our engagement as circumstances permit. We know that Iraqis have high expectations of the United Nations.

In the weeks and months ahead, the new transitional institutions of Iraq will need the active support and engagement of the international community. The United Nations has accompanied the Iraqi people and authorities in their political transition thus far. We are determined to continue to do so. It must be, and must be seen to be, an Iraqi-owned and Iraqi-led process. But, in terms of what we can offer, the United Nations has considerable experience in supporting and facilitating transitional processes under difficult conditions.

Iraq has the human and material resources to take charge of its own destiny. Where the international community and the United Nations can, in our view, best contribute to that process is in helping to create enabling conditions for all Iraqis to share and succeed in the political and economic reconstruction of their country. It is important that the various international actors work in a complementary manner with the Iraqis and with one another.

There is a general expectation both inside and outside Iraq that the United Nations will play a proactive role in supporting the constitution-making process, and we look forward to working closely with the elected members of the Transitional National Assembly and with other representatives of Iraqi society. In conformity with resolution 1546 (2004), the United Nations is ready to offer any needed technical assistance and public information support, as well as political facilitation.

All of us are aware that developments in Iraq have potentially important implications outside the country. The constitutional debate will be closely watched, especially by Iraq's neighbours. Some of the issues to be negotiated among Iraqis in this process touch upon the security interests of neighbouring countries. It is therefore essential that, just as we work to normalize the situation inside Iraq, every effort should be made to normalize Iraq's relations with the region and with the international community at large. It is especially important that Iraq's sovereignty, political independence and territorial integrity be respected. A sovereign Iraq naturally aspires to regain its rightful place in the community of nations. The Secretary-General, for his part, intends to continue to foster greater regional and international convergence in support of Iraq's political transition and the United Nations role.

No one could fail to have been moved by the way that Iraqis went to the polls on 30 January, with courage, determination and confidence in the future of their country. The elections mark an important staging post achieved. The next key steps are the building of a constitution, the referendum due in October and then the holding of a general election. Iraqis look to their leaders to deliver on the promise of a peaceful, democratic and prosperous Iraq with which all Iraqis can identify. The challenges ahead are real; but so too are the opportunities. In fulfilment of its mandate, and circumstances permitting, the United Nations will spare no effort to meet the expectations of the Iraqi people through this critical period of their history.

The President (*spoke in French*): I thank Mr. Prendergast for his comprehensive briefing.

I now give the floor to the representative of Iraq.

Mr. Sumaida'ie (Iraq) (*spoke in Arabic*): At the outset, I should like to take this opportunity to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month and to commend your predecessor, the Permanent Representative of Argentina, for his efforts last month.

I would also like to thank you and the other members of the Council for allowing me to participate in this important meeting, which is being held to follow up on the great achievements made by my country in recent weeks. The Iraqi people have demonstrated to the world their refusal to yield to terrorists or to be driven by the ruthless designs of those terrorists to ignite strife among them, and that they are able and determined to take the risks necessary for their freedom. They also proved, once again, that they alone possess the will to determine their future and to choose the path that meets their aspirations.

Iraq successfully passed through the first gate in its march towards democracy and is determined to proceed with and accomplish the remaining stages prescribed in the Transitional Administrative Law and adopted by the Security Council. Here, I would like to hail the success of the Independent Electoral Commission of Iraq and the Iraqi interim Government for organizing the elections and to salute the courage of all those who contributed to the success of those elections, in particular the members of the Iraqi police and army who provided the security necessary to carry them out. I would also like to express our appreciation

for the active and supportive role of the multinational force.

I also take this opportunity to commend the United Nations for its vital contribution in supporting the electoral process and the Independent Electoral Commission of Iraq, and for the outstanding efforts of the United Nations Electoral Assistance Division to bring the process to a successful conclusion. In addition, I would like to thank the International Organization for Migration for its role in organizing the elections for Iraqis living abroad and to thank the International Mission for Iraqi Elections, which worked to ensure that the elections were carried out in accordance with international standards. We look forward to the continued support of the international community and the United Nations in the stages ahead.

We realize that — as the representative of the Secretary-General indicated — that our electoral venture was not perfect and that, inevitably, it was accompanied by some minor failures. However, that must not divert our attention from the fact that the magnitude of what was accomplished under the current difficult circumstances exceeded even our own expectations. Undoubtedly, we will benefit from that experience in the coming constitutional the elections and those that will follow them. We regret that some parties chose not to participate in the elections, despite the great efforts of the interim Government to convince them otherwise. But we are determined to overcome those difficulties and to include in both the constitutional and the electoral processes all communities that opt for peace, as was recently stated by the leaders of the main parties and coalitions that were elected to the Transitional National Assembly by the people. The Transnational National Assembly is on course to select a Government that represents the Iraqi people in all its diversity.

We look forward to the Transitional National Assembly achieving the next important task: writing Iraq's constitution in an inclusive manner that will ensure the participation and involvement of the Iraqi people, reflecting its rich mixture of cultures and beliefs. For our part, we will do our utmost to bring together all available Iraqi and international expertise in that field to accomplish the task in a manner that will strengthen our national unity and will embody the human values and noble goals of our new Iraq.

The challenges and difficulties that will face the Elected Iraqi Government are enormous. Among them is rebuilding the Iraqi army and police, to protect Iraq's internal and external security, and to deter the threats Iraq faces. Iraq has become an arena for terrorists and forces of darkness whose destructive objectives cut across the most cherished aspirations and interests of the Iraqi people. We commend, in this regard the multinational force for its role, in accordance with its Security Council mandate, in helping us rebuild our army and police, and in training and supporting them when carrying out their mission.

The Iraqi Government will face yet another challenge, and that is the reconstruction of Iraq and activation of its economy, in which it will need the support and assistance of the international community. Iraq's infrastructure is in ruins and will need enormous efforts to be repaired. It is essential that we provide the basic services and employment opportunities that will make life more tolerable for its citizens, thereby helping to bring social stability. This will largely depend on reviving and priming the Iraqi economy.

In this respect, I would like to express our appreciation for the generous contributions of friendly States, and for the role of the United Nations and its agencies in coordinating international contributions and implementing the reconstruction projects, in cooperation with the relevant Iraqi ministries. I would like to take this opportunity to call upon Iraq's friends to deliver on their pledges made in the Madrid donors conference, and to assure them that the Iraqi people will always bear in mind these noble initiatives.

In conclusion, I would like to assure the Council that Iraq is living in a new era that stands for the principles of democracy, freedom of expression, respect for human rights, adherence to international law and building sound relations with its neighbouring countries, based on mutual respect and non-interference in their internal affairs. Consistent with this vision, we are endeavouring to restore Iraq's natural role in the international community. We appreciate the Council's efforts to support the Government and people of Iraq and help Iraq to get back on its feet and take its natural position as a responsible member of the international community.

We hope that this effort will be consolidated through a programmed and rapid removal of the punitive measures and restrictions that were imposed

on Iraq because of the reckless policies of the previous regime.

The President (*spoke in* French): I thank the representative of Iraq for the kind words addresssed to me.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.45 a.m.

United Nations S/PV.5124

Security Council

Sixtieth year

Provisional

5124th meeting

Wednesday, 16 February 2005, 12.15 p.m.

New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. Mayoral
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mrs. Papadopoulou
	Japan	Mr. Kitaoka
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mrs. Patterson

Agenda

The situation between Iraq and Kuwait

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05-23991 (E)

The meeting was called to order at 12.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

The President (*spoke in French*): Pursuant to the decision taken at the 5123rd meeting of the Security Council, I propose, with the consent of the Council, to invite the representative of Iraq to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sumaida'ie (Iraq) took a seat at the Council table.

The President (*spoke in French*): The Security Council will continue its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council congratulates the people of Iraq on the successful elections of 30 January 2005. These elections represent a historic moment for Iraq and a positive step in its political transition. In turning out to the polls, Iraqis demonstrated their respect for the rule of law and non-violence. They voted for democracy and full ownership of their affairs. The Security Council commends the Iraqi people for having taken this step to exercise their right to freely determine their own political future and encourages them to continue to do so in moving ahead with their political transition.

"The Security Council congratulates the newly-elected coalitions and individuals in these elections.

"The elections took place under difficult conditions, and the Security Council salutes the bravery of the Iraqi people who demonstrated their commitment to democracy, defying the terrorists. The Security Council commends the tens of thousands of Iraqis who ran as candidates, administered the elections, staffed the polls, observed the elections, and provided security. The Security Council gives special recognition to the Independent Electoral Commission of Iraq for its fortitude and organizational skill in administering the elections.

"The Security Council commends the Secretary-General and the United Nations for successfully assisting election preparations, including advice and support extended to the Iraqis by the Secretary-General's Special Representative for Iraq, Ashraf Qazi, the United Nations Assistance Mission for Iraq, particularly the lead electoral adviser Carlos Valenzuela, the United Nations Electoral Assistance Division and its Director Carina Perelli. The Security Council also appreciates the assistance given by other international actors, including European Union electoral experts.

"The Security Council also notes the commendable role played by the Iraqi security forces and the multinational forces-Iraq in providing security to the elections.

"These elections are an important step for Iraq's political transition, as outlined in Security Council resolution 1546 (2004). The Security Council looks forward to the seating of the Transitional National Assembly and the formation of a new transitional Government of Iraq in the near future. A constitution of Iraq, to be drafted under the authority of the Transitional National Assembly, is expected to be put to a referendum by October 2005 and followed by general elections by December 2005 under the new constitution. The Security Council affirms its continuing support for the Iraqi people in their political transition and reaffirms the independence, sovereignty, unity and territorial integrity of Iraq.

"Underlining the importance of the maximum possible participation of all components of Iraqi society in the political process, the Security Council stresses the need for sustained political efforts aimed at making the next steps of the transition, in particular the coming constitutional process, as inclusive, participatory and transparent as possible. The Council welcomes the statements recently made by Iraqi leaders in this regard and strongly

encourages the Transitional Government of Iraq and the Transitional National Assembly of Iraq to reach out broadly to all segments of Iraqi society, with a view to promoting genuine political dialogue and national reconciliation and ensuring that all Iraqis are duly represented and have a voice in the political process and the drafting of the Iraqi Constitution.

"The Security Council reaffirms the leading role of the Special Representative of the Secretary-General and UNAMI under resolution 1546 (2004) in support of Iraq's own efforts, and as requested by the Government of Iraq, to promote national dialogue and consensus building on the drafting of a national constitution. In this regard, the Council urges the United Nations to prepare itself rapidly and encourages the members of the international community to provide advisers and technical support to the United Nations to help it fulfil this role.

"The Security Council condemns, in the strongest possible terms, acts of terrorism in Iraq, which should not be allowed to disrupt Iraq's political and economic transition. The Council calls on those who use violence in an attempt to subvert the political process to lay down their arms and participate in the political process. It encourages the Iraqi authorities to engage with all those who renounce violence and to create a political atmosphere conducive to national reconciliation and political competition through peaceful means.

"The Security Council stresses the continued importance of Iraq's neighbouring countries and regional organizations in supporting the political process, cooperating with the Iraqi authorities to control transit across Iraq's borders and extending other support for the people of Iraq in their efforts to achieve security and prosperity.

"Consistent with resolution 1546 (2004), the Security Council reaffirms its support for a federal, democratic, pluralist and unified Iraq, in which there is full respect for human rights. It welcomes the international community's support to Iraq and underlines the importance of enhanced and expeditious assistance from all States and relevant international organizations in support of Iraq's further implementation of the political transition process and efforts to achieve national reconciliation, economic reconstruction and stability, in accordance with resolution 1546 (2004)."

This statement will be issued as a document of the Security Council under symbol S/PRST/2005/5.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.25 p.m.

United Nations S/PV.5125

Security Council

Sixtieth year

Provisional

5125th meeting

Wednesday, 16 February 2005, 4 p.m.
New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. Mayoral
	Brazil	Mr. Valle
	China	Mr. Wang Guangya
	Denmark	Mr. Faaborg-Andersen
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Holliday

Agenda

Reports of the Secretary-General on the Sudan

Letter dated 31 January 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/60)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-24049 (E)

The meeting was called to order at 4.20 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Letter dated 31 January 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/60)

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Louise Arbour, United Nations High Commissioner for Human Rights.

It is so decided.

I invite Ms. Arbour to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the following documents: S/2005/60, containing a letter dated 31 January 2005 from the Secretary-General addressed to the President of the Security Council transmitting the report of the International Commission of Inquiry on Darfur, and S/2005/68, containing the report of the Secretary-General on the Sudan.

I should also like to draw the attention of the members of the Council to letters dated 8 February 2005 and 23 January 2005 from the Sudan, which will be issued as documents S/2005/77 and S/2005/80, respectively.

I welcome the presence of the Secretary-General, Mr. Kofi Annan, and invite him to take the floor.

The Secretary-General: I am very pleased that the High Commissioner for Human Rights, Louise Arbour, is with us today to present the report of the International Commission of Inquiry on Darfur. I will leave it to her to give a full description of the report's findings and recommendations. But let me stress that this report is one of the most important documents in the recent history of the United Nations. It chilling reading, and it is a call to urgent action.

The Commission has established that people in Darfur have been the victims of a perpetrated on a very large scale for wh Government of the Sudan and the Janjawe responsible — including war crimes and, very crimes against humanity. The Commission h found credible evidence that rebel forc responsible for serious violations, which may to war crimes.

The Commission strongly recommends Security Council immediately refer the situa Darfur to the International Criminal Court, to that those responsible for these heinous crimes to account. It is vital that these crimes not unpunished.

But the call to urgent action does not sto Even as the Commission was conducting its and since then, attacks on villages, the ki civilians, rape, pillaging and forced displacem continued in Darfur.

As others have said before me, while the Nations may not be able to take humanity to he must act to save humanity from hell. This demonstrates, beyond all doubt, that the past tw have been little short of hell on earth for ou human beings in Darfur. And despite the atten Council has paid to this crisis, that hell c today.

The international community, led by the must immediately find a way to halt the kill protect the vulnerable. The full range of option be on the table — including targeted sa stronger peacekeeping efforts, new measures to civilians and increased pressure on both side lasting political solution.

I will do my part to help develop such a But the power and the responsibility to do so about this grave crisis are in your hands. Once call on the Council to act urgently to stop furth and suffering in Darfur, and to do justice f whom we are already too late to save.

The President (*spoke in French*): I th Secretary-General for his statement.

Before giving the floor to Ms. Arbour to introduce the report of the International Commission of Inquiry, I would like, in my capacity as President of the Security Council, to express my thanks to the Translation Services, which worked so hard to produce such a voluminous report in all of the official languages of the Security Council under extreme time constraints. I am sure that all of my colleagues share my gratitude to the translators and all the others involved with the publication of this document.

I now give the floor to Ms. Louise Arbour, United Nations High Commissioner for Human Rights.

Ms. Arbour: The urgent need to stop the violence in Darfur is widely acknowledged. One way to reduce the carnage — not the only way, but a credible and legitimate way — is to remove from their positions those who orchestrate and execute it. The Security Council has taken the lead in this regard, through its call for the establishment of a Commission of Inquiry in resolution 1564 (2004).

The findings of that Commission, which the Council has before it and which I shall highlight today, provide a blueprint for action. The Commission's recommendations are not merely of retrospective importance; their implementation will not only do justice for the victims of the massive crimes committed in Darfur, but may actually contribute to reducing the exposure of thousands of prospective victims. That is the context in which today's call for action needs to be understood.

Following the adoption of resolution 1564 (2004), the Secretary-General appointed five outstanding international legal and human rights experts as commissioners. They brought with them a wealth of knowledge from different legal systems and expertise in international human rights, humanitarian and criminal law.

The Council will recall that the Commission's mandate was, first, to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties; secondly, to determine whether or not acts of genocide had occurred; and thirdly, to identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable.

The Secretary-General requested my Office to assist the Commission in its work. My Office created a secretariat composed, in all, of more than 30 persons, including legal and human rights officers supporting the day-to-day work of the commissioners, and field-based teams composed of criminal investigators — including some with backgrounds in the area of sexual violence — military analysts and forensic experts.

The commissioners undertook two missions to the Sudan, including Darfur, as well as visiting relevant parties in Chad, Eritrea and Ethiopia. When the commissioners returned to Geneva following their first mission to the Sudan in November 2004, their investigative teams stayed in the country and remained on the ground — primarily in Darfur — for a total of eight weeks, until 19 January 2005. In addition to the material collected by the Commission itself, the Commission received information and evidence from a very broad range of sources, including Governments, non-governmental organizations and various international organizations. The Commission reported to the Secretary-General within three months, on 25 January 2005. Its findings are clear and thoroughly documented.

First, the Commission found that large-scale war crimes and crimes against humanity had been committed by Sudanese Government officials and by the Janjaweed militia. In particular, the Commission found that Government forces and militias had, throughout Darfur, engaged in indiscriminate attacks against civilians, murder, torture, enforced disappearances, the destruction of villages, rape, pillage and forced displacement. Those acts took place on a very large scale and in a systematic manner, and may therefore amount to crimes against humanity.

Consider the events in Kailek, a village in south Darfur populated mainly by people of the Fur tribe. Kailek and surrounding villages were attacked twice by Government forces and Janjaweed. Following the second attack, in March 2004, the villagers fled to the mountains, where they were hunted down by mounted Janjaweed. The military shelled the area and machine-gunned those in flight; some were captured and shot and killed.

For a period of approximately 50 days, up to 30,000 people were confined in a small open area in Kailek. They were subject to the most abhorrent treatment. Some men were singled out and summarily shot. There were reports of people being thrown onto fires and burned alive. Women and children were

separated out, confined in a walled area and periodically taken away by their captors to be raped; some of them were subjected to gang rapes.

As evidenced in the Commission's report, the case of Kailek is not unique in today's Darfur.

With regard to the rebels, the Commission found credible evidence that members of the Sudanese Liberation Army and of the Justice and Equality Movement were also responsible for serious violations that may amount to war crimes. In particular, those violations include cases of murder of civilians and pillaging. However, the Commission did not find a systematic or a widespread pattern to those violations.

Secondly, the Commission concluded that the Government of the Sudan had not pursued a policy of genocide; in other words, it did not find a demonstrated, specific intention, expressed as Government policy, to exterminate, in whole or in part, a national, ethnic, racial or religious group protected under the definition of genocide. However, the Commission recognized that only a competent court could determine, on a case-by-case basis, whether individuals, including Government officials, ordered or participated in atrocities motivated by the genocidal intent to exterminate a protected group, in which case they could be found guilty of the crime of genocide.

It is, in my view, important to stress that nothing in the Commission's report precludes the possibility of individuals being convicted of acts of genocide in relation to the events in Darfur. Personal criminal responsibility is not determined by Government policy. Furthermore, the Commission stressed that its conclusion that no genocidal policy had been pursued should not be taken as in any way detracting from or belittling the gravity of the crimes perpetrated.

Thirdly, the Commission identified 51 individuals suspected of having committed international crimes in Darfur. It decided to withhold their names from the public domain so as to respect the suspects' right to due process and to ensure the protection of witnesses from possible harassment or intimidation. The names of those suspects are contained in a sealed file that has been placed in the custody of the Secretary-General to be handed over to a competent prosecutor. In addition, the Commission handed to me a sealed file containing the evidentiary material it had collected, also to be delivered to a competent prosecutor.

The Commission reviewed steps taken b Sudanese Government and by judicial authorit address those crimes, and it concluded that they both unwilling and unable to act. It noted th justice system had been significantly weakened the past decade and that restrictive laws granting powers to the executive particularly undermine effectiveness of the judiciary.

Many of the laws in force in the Sudan contravene basic human rights standards, an Criminal Procedure Code contains provisions prevent the effective prosecution of these crim addition, many victims informed the Commissio they had little confidence in the impartiality Sudanese justice system and its ability to bri justice the perpetrators of the serious crimes com in Darfur, and many feared reprisals if they reso it.

Despite the magnitude of the crisis Government informed the Commission of ver cases of individuals who had been prosecuted o disciplined in the context of the situation in D which led the Commission to observe that the me taken so far had been grossly inadequate ineffective.

In my view, any new initiative proposed Government of the Sudan today to address these could not be supported in the light of the Commis conclusions. In particular, the extent of involvem Government officials — as documented b Commission — would appear to foreclose options.

The Commission carefully considered a range of other accountability measures. For rea have outlined, the Commission also exclude possibility of establishing mixed courts. Moreov Commission discounted the possibility of establishing an ad hoc international tribun expanding the mandate of an existing tribunal Commission concluded that ad hoc measures likely prove to be unduly time-consuming expensive.

The Commission strongly recommended th Security Council refer the situation in Darfur International Criminal Court (ICC). The Comm held the view that referral to the ICC was the credible way in which to bring alleged perpetrat justice, and it advised against other mea

Activated by Security Council referral, the ICC would be empowered to prosecute any persons for acts committed in Darfur that amount to any of the crimes listed under the Rome Statute.

Designed in part for the purpose of addressing crimes that threaten international peace and security, the International Criminal Court could be activated immediately. With an already existing set of well-defined rules of procedure and evidence, the Court is the institution best suited for ensuring speedy investigations leading to arrests and demonstrably fair trials.

In addition, the Commission urged that the Council act not only against the perpetrators, but also on behalf of the victims. It therefore proposed the establishment of an international compensation commission.

Murder, torture, enforced disappearances, the destruction of villages, rape and forced displacement continue to be committed against the people of Darfur. Those crimes have been — and, it appears, continue to be — perpetrated on a widespread and systematic basis by Government officials and Janjaweed leaders or those under their command. Members of rebel groups are also responsible for war crimes.

What is most urgently needed now are concrete measures to bring the current violence to an end and to restore security and dignity to the people of Darfur. The Commission, in my view, eloquently and powerfully argues that referral to the ICC is the best means by which to halt ongoing violations and to prevent future ones.

As stressed by the Commission, there are other immediate actions to be taken that the Council may wish to note, including granting full and unimpeded access by the International Committee of the Red Cross and by United Nations human rights monitors to all those detained by the Sudanese authorities in relation to the situation in Darfur.

The protection of witnesses and victims of human rights violations is urgently needed. I have written to the Government of Sudan with regard to these issues, and I have already appointed a Witness Protection Officer to follow up on any reports of threats or harassment of victims and witnesses perceived to have cooperated with the Commission.

Last September, the Council took an important step towards bringing justice to the people of Darfur by requesting the establishment of an international commission of inquiry. The Commission has discharged its task with professionalism and integrity, and has placed before you a proposed course of action aimed at ending the brutality in Darfur, ensuring that perpetrators of atrocities [illegible] recognizing the dignity [illegible].

The pursuit of justice is often said to clash with the pursuit of peace. Whatever the theoretical merit of that proposition, the findings of this Commission of Inquiry irrefutably demonstrate that there is no hope for sustainable peace in Darfur without immediate access to justice.

The President (*spoke in French*): I thank Ms. Arbour for her comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 4.45 p.m.

The meeting was called to order at 6.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes the summit in Sharm El-Sheikh, Egypt, on 8 February 2005 and the resumption of direct talks between Prime Minister of Israel Mr. Ariel Sharon and President of the Palestinian Authority Mr. Mahmoud Abbas. The Council expresses its appreciation to President Hosni Mubarak of the Arab Republic of Egypt for the invitation to both parties to the summit and to King Abdullah II Bin Al Hussein of Jordan for his participation.

"The Security Council underlines the understandings reached by the Government of Israel and the Palestinian Authority, in particular that all Palestinians will stop all acts of violence against all Israelis everywhere and that Israel will cease all its military activities against all Palestinians everywhere. The Security Council calls for the full respect by the parties of their commitments in this regard.

"The Security Council recognizes these understandings, along with other recent positive developments, as primary steps towards restoring confidence between the two parties and as a significant opportunity to enhance a new spirit of cooperation and to promote an atmosphere conducive to the establishment of peace and coexistence in the region.

"The Security Council commends the role being played by Egypt and Jordan in facilitating a successful resumption of dialogue between the Government of Israel and the Palestinian Authority within the framework of the road map.

"The Security Council welcomes the initiative of the United Kingdom Government in convening an international meeting in London on 1 March to support Palestinian efforts to prepare the ground for a viable Palestinian State. The Security Council also welcomes the upcoming Quartet meeting at the ministerial level which will convene in the margins of the London meeting.

"The Council looks forward to further engagement by the Quartet with the two parties to ensure continued progress in the peace process and the full implementation of the road map and relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002), and 1515 (2003), towards the creation of an independent, viable, democratic and sovereign State of Palestine living side by side with Israel in peace and security.

"The Security Council looks forward to the establishment of a just, lasting and comprehensive peace in the Middle East."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2005/6.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.40 p.m.

United Nations S/PV.5127

Security Council

Sixtieth year

Provisional

5127th meeting

Thursday, 17 February 2005, 10 a.m.

New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. Mayoral
	Brazil	Mr. Valle
	China	Mr. Zhang Yishan
	Denmark	Mr. Faaborg-Andersen
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Ms. Kawaguchi
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Dolgov
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Holliday

Agenda

Small arms

Report of the Secretary-General on small arms (S/2005/69)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-24166 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Small arms

Report of the Secretary-General on small arms (S/2005/69)

The President (*spoke in French*): I should like to inform the Council that I have received letters from the representatives of Australia, Canada, Costa Rica, Egypt, India, Indonesia, Luxembourg, Mexico, Nigeria, Norway, Peru, the Republic of Korea, the Republic of Moldova, Senegal, South Africa, Switzerland, Turkey, Ukraine, Venezuela and Zambia, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the debate without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs.

It is so decided.

I invite Mr. Abe to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them the report of the Secretary-General on small arms, document S/2005/69.

I now call on Mr. Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, to introduce the report.

Mr. Abe (*spoke in French*): I am honoured t to introduce the report of the Secretary-Genera small arms, contained in document S/2005/69.

Pursuant to the request made by the Preside the Security Council in his statement of 19 Jan 2004, this report provides an overview of the initia undertaken to further implement the recommenda contained in the report of the Secretary-Genera small arms of 20 September 2002 on ways and m by which the Security Council could contribut dealing with the question of the illicit trade in s arms and light weapons in situations under consideration. Those recommendations covered main topics: first, the implementation of Programme of Action on small arms and weapons; secondly, Security Council-mand sanctions and arms embargoes; thirdly, con prevention, peacebuilding and the demobilizat disarmament and reintegration of former combata and fourthly, confidence-building measures.

The present report was prepared by Department for Disarmament Affairs in c consultation with the Department of Peacekeep Operations, the Department of Political Affairs, United Nations Office on Drugs and Crime, the Un Nations Development Programme, the United Nati Children's Fund and the International Criminal Po Organization.

(*spoke in English*)

Much progress has been achieved in some areas, such as the efforts to enhance cooperation enable States to trace illicit small arms and l weapons; measures to increase the effectiveness sanctions; the adoption of more rigorous measu against violations of arms embargoes; control over export and transit of small arms and light weapo including international efforts to address the probl of illicit brokering in such weapons; and transparen in armaments.

The increasingly vigorous actions recently ta by the Security Council with respect to implementation of sanctions and arms embargoes particularly encouraging. The systematic establishm of monitoring mechanisms to support, monitor a assess the implementation of sanctions and to prov technical advice to the sanctions committees is important development. Equally noteworthy is adoption by the Council of measures to identify a

punish violators of arms embargoes as well as those who support such violations.

The greater attention being given by the Security Council to the specific needs of women and children and the receiving communities in the context of the disarmament, demobilization and reintegration of combatants in post-conflict situations is also commendable. In that connection, also noteworthy is the demobilization of thousands of child soldiers in Afghanistan, Burundi, the Democratic Republic of the Congo, Haiti, Liberia and Sierra Leone.

The report also underscores that more needs to be done in a number of areas, namely the links between illicit small arms and light weapons and the illicit exploitation of natural and other resources; greater support for the reintegration of former combatants into their communities; greater interaction between the Security Council and the General Assembly on the issue of small arms and light weapons; and support for the establishment of the Small Arms Advisory Service.

Today's open debate on small arms takes place in the wake of the second substantive session of the Open-ended Working Group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, which was held recently at Headquarters in New York. That session considered a draft international instrument prepared on the basis of discussions held at the Working Group's first substantive session. Although the Open-ended Working Group seems to be moving closer to an agreement on a number of technical issues, it is still far from reaching a consensus on some important issues, particularly the nature of the international instrument. The challenge facing the Open-ended Working Group is to build a consensus on the various substantive issues by the end of its third session in June 2005. I trust that Member States will muster the political will necessary to bridge the differences and to bring that process to a positive outcome.

The Secretary-General is encouraged by the continued efforts of the Security Council to address the challenge posed by illicit small arms and light weapons in the context of matters under the Council's consideration. I am confident that this meeting will contribute to strengthening the achievements obtained thus far, as well as to identifying the best approaches to addressing the areas of continued concern.

The President (*spoke in French*): In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in this Chamber.

On behalf of the Security Council, I extend a warm welcome to Ms. Yoriko Kawaguchi, Special Assistant to the Prime Minister in charge of Foreign Affairs and former Minister for Foreign Affairs of Japan.

Ms. Kawaguchi (Japan): At the outset, Sir, I wish to say how pleased I am to participate in this Council meeting today held under your presidency. I am privileged and truly grateful for the opportunity afforded me to express my Government's position on the issue of small arms and light weapons. I would also like to express my appreciation to Mr. Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, for his comprehensive introduction of the Secretary-General's report. This report, which effectively identified both the progress made in the area of small arms over a period of slightly more than a year and the challenges to be addressed in the future, will serve as a valuable guidepost for our future work.

The question of small arms and light weapons is a multidisciplinary issue in the sense that the widespread use of small arms not only results in a large number of casualties but also has a socio-economic dimension, insofar as it gives rise to other issues such as child soldiers and the disruption of recovery and development in post-conflict situations. In other words, this is an important area where the nexus of peace and development — which is the key underlying notion of the report of the High-level Panel on Threats, Challenges and Change (*A/59/565*) — shows itself. That is why Japan has been attaching great importance to this issue. The General Assembly's annual resolutions on small arms and light weapons provide pragmatic prescriptions through which the international community seeks to solve the problems, and as a sponsor, along with Colombia and South Africa, we think it significant that the resolutions were adopted by consensus. The United Nations Panel of Governmental Experts on Small Arms and the Group of Governmental Experts on Small Arms, both chaired by Ambassador Mitsuro Donowaki, are another example of Japan's contributions to efforts in this area.

Let me focus on a few points that my Government considers to be important in addressing the issue of small arms and light weapons. I believe that they are closely related to the important elements in the report of the Secretary-General.

The guiding light in the United Nations process to tackle the small arms issue comes from the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted in 2001. In order to help implement the Programme of Action, we have taken a number of actions, including the sponsoring of seminars and workshops in various places in regions such as Tokyo, Bali, Kazakhstan and Fiji. Another workshop is being planned for April of this year by Japan, China, Switzerland and the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific as a regional initiative, by inviting countries from the Association of Southeast Asian Nations (ASEAN) and Central Asia in order to support their national implementation of the Programme of Action.

Marking and tracing illicit small arms and light weapons is one of the most important tasks set out in the Programme of Action. As the Secretary-General's report points out, the Open-ended Working Group established by the General Assembly has made some progress, and Japan has made a number of constructive contributions to discussions there, especially as a non-exporter of weapons in principle. Japan will continue to do so to achieve a successful outcome at the Working Group.

The disarmament, demobilization and reintegration (DDR) process in post-conflict situations, the detailed updates of which are provided in the report, has become an important tool to ensure that a country in a post-conflict situation does not backslide into a state of conflict. While progress has been made in a number of areas, the report reminds us that there are many more challenges to overcome.

In order to help make progress in DDR, Japan has been taking concrete actions. For instance, in Afghanistan, a country afflicted by the protracted internal conflicts, the implementation of DDR is imperative to attain sustainable peace and security. With this perspective in mind, Japan, as a lead nation in the area of DDR in Afghanistan, has been assisting the DDR process by providing vocational training for ex-soldiers to facilitate their reintegration through dispatchin experts and by implementing reintegration projects at th grass-roots level. Japan has also been involved in simil projects in Africa; in Liberia and the Democrat Republic of Congo, we are cooperating with Unite Nations organizations involved with DDR projects.

Behind these actions is the idea of th consolidation of peace that I promoted as one of th pillars of Japan's foreign policy during my tenure a Foreign Minister of Japan, which ended not long ago The idea is to provide the necessary assistance fo countries in post-conflict situations to make a smoot transition towards nation-building. I am confident tha those efforts are gradually bearing fruit.

This idea of consolidating peace is in line wit the High-level Panel's key notion that in today' globalized world, international peace and security issues are closely linked to international developmen problems. From this viewpoint, we will continue t provide assistance on the ground to countries affecte by the scourge of small arms. Collection and destruction of illicit small arms and light weapons, capacity-building in the development of appropriate legislation and regulations and import and export control are the areas where cooperation from the international community is especially needed. With this in mind, Japan has been conducting a Weapons-for-Development project in Cambodia for the past two years, funded by Grant Aid for Peace-Building Assistance in the amount of over $8 million. We are now studying the possibility of cooperating further with some African countries, utilizing, among others, the Small Arms Trust Fund that Japan has established under the United Nations Global and Regional Disarmament Trust Fund.

In June 2006, the United Nations Review Conference on the implementation of the Programme of Action will be convened. Through our efforts towards that review meeting, I hope there will be good progress in the area of small arms and light weapons to be reported in the Secretary-General's report next year. We reaffirm our commitment to cooperate with the United Nations in implementing the Programme of Action, and, as a nation dedicated to world peace and stability, we are determined to intensify our efforts to address the issue of small arms and light weapons.

The President (*spoke in French*): I thank Ms. Kawaguchi for her kind words addressed to me.

Mr. Holliday (United States of America): Mr. President, I would like to thank you for organizing today's meeting on this important issue of small arms and light weapons. I would also like to thank Ambassador Oshima of Japan for his effort in drafting the presidential statement we will adopt later today and to welcome Ms. Kawaguchi. Of course, thanks to Under-Secretary-General Abe for his comments on the report of the Secretary-General.

With the words from recent debates on how to address the effects of conflicts around the world still echoing in this Chamber, we are faced with the reality that the instruments used to carry out such conflicts — particularly small arms and light weapons — continue to require our immediate and undivided attention. The destabilizing accumulation of and illicit trafficking in small arms and light weapons has proved a major obstacle to peace, to economic development and to efforts to rebuild war-torn societies. Terrorists groups, insurgents and drug traffickers continue to acquire arms primarily through illegal diversion, theft and smuggling, rather than through legitimate transfers.

The United States believes that small steps by individual countries and collective steps by regional and subregional organizations will go a long way towards establishing the norms and practices that will diminish the illicit proliferation of these weapons. Only two weeks ago, Member States, including the United States, gathered at the United Nations for the second session of the Open-ended Working Group to discuss a draft international instrument for the timely and reliable identification and tracing of illicit small arms and light weapons. This was done under the able stewardship of Ambassador Anton Thalmann of Switzerland. The United States believes that such an instrument should be practical and effective, enabling the timely and reliable identification and tracing of illicit small arms and light weapons, and should not interfere with already existing commitments in other forums. We look forward to the final two-week session and to the conclusion of negotiations in June.

With July's Biennial Meeting of States and the 2006 review conference of the United Nations Programme of Action before us, we have the opportunity to pursue and implement innovative and effective ways to assist those States in need of technical or financial assistance to implement the provisions to which we all agreed in the 2001 Programme of Action.

The United States welcomes the report of the Secretary-General on the implementation of his recommendations to the Council (S/2005/69). In his report, the Secretary-General outlined several areas for Member States to consider in attempting to reduce the illicit proliferation of these weapons. We believe that large dividends in threat reduction can be achieved with a relatively modest investment. We welcome the Secretary-General's attention to the destruction of these weapons and to selected improvements to storage facilities, particularly within disarmament, demobilization and reintegration programmes and peacekeeping operations. We also urge States to focus on these activities in connection with their own surplus and obsolete weapons. Such preventive activities are relatively inexpensive and can generally be accomplished using locally available infrastructure and personnel.

With a more focused approach to mitigate the threat posed by the proliferation of man-portable air defence systems (MANPADs) to undesirable end-users, the United States has expanded its assistance programme to safeguard and eliminate those dangerous weapons. Since the inception of our small-arms and light-weapons destruction programme, we have provided assistance for the destruction of over 700,000 small arms and light weapons and disabled over 10,000 MANPADs, in addition to over 75 million rounds of ammunition, in 15 countries.

In addition to these bilateral efforts, we continue to actively participate in regional and international efforts, such as those of the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE), the Wassenaar Arrangement and other forums.

Effective export and import controls and their enforcement are, as the Secretary-General highlighted in his report, the keystone to any successful effort to mitigate the problems of the illicit trade in small arms and light weapons. Unfortunately, in many countries few, if any, laws exist to regulate the import and export of these weapons. In places where such laws exist, enforcement is often weak. Any export-control system should contain reliable and meaningful mechanisms for the licensing of the production and transfer of small arms and light weapons. Countries should exercise due diligence in authenticating end-user certificates to ensure that exported arms are destined for legitimate end-users. In addition, purchasing countries should

make sure that their import system is transparent and should provide maximum cooperation with the officials of exporting countries in certifying legitimate shipments. Unregulated arms brokers and inadequate enforcement of arms embargoes imposed by Council resolutions are additional causes of weapons getting to the black market.

Ultimately, a simple one-size-fits-all solution is unlikely to be effective in dealing with this complex problem. Given the close links between terrorism and organized crime, the illicit trade in small arms and light weapons has the potential to affect any country in the world at any time; the threat is not limited solely to regions of conflict, instability or poverty. Focused efforts to identify and curb the sources and methods of the illicit trade through robust export controls, law enforcement measures and efforts to expeditiously destroy excess stocks and safeguard Government stocks from theft are among the best ways to attack the problem.

In conclusion, the United States will continue to offer its assistance for small-arms and light-weapons destruction and stockpile management and security, export controls and law-enforcement training. We encourage other States that are in a position to do so to render financial and technical assistance to further our mutual goal to reduce the illicit spread of small arms and light weapons and to reduce the danger that these pose to our citizens, peacekeeping forces and soldiers around the world.

Mr. Thomson (United Kingdom): I would like to thank you, Mr. President, and your delegation, for having organized this important debate. We are grateful also to Under-Secretary-General Abe for his briefing. I would particularly like to welcome Ms. Kawaguchi and to thank her for her thoughtful and detailed remarks.

The United Kingdom supports the views to be expressed later in this debate by the representative of Luxembourg, which holds the presidency of the European Union. I will therefore cover only a few points.

The United Kingdom supports the full implementation at national, regional and international levels of the United Nations Programme of Action. We welcome the Secretary-General's report (S/2005/69) and this debate as an opportunity to discuss and make progress on these important issues.

In particular, we welcome the support that w hope and expect will be expressed in the presidenti statement to be adopted later today on the need fi more responsibility in the management of small arm and light weapons transfers. I would like to thank th Japanese delegation for leading our work on th presidential statement. The availability of small arm and light weapons is so widespread that restraint b traditional suppliers, although absolutely necessary, not sufficient. We think that a broader internation approach is needed. The United Nations Programme o Action contains important guidance on controllin transfers, and we need to build on that. For exampl we need to identify common factors for considerati before issuing a licence for an international transfer o small arms and light weapons. We also need to suppo regions and countries concerned with their capacity building.

Our objective is to introduce minimum commo international controls on small arms and light weapon transfers within the United Nations Programme o Action at the United Nations review meeting on sma arms in 2006. We think that there are signs that a increasing number of countries support the need fo improved transfer controls. Certainly, an agreement o reducing illicit transfers would be a majo achievement. In the longer term, we are also workin with partner Governments in support of a international arms trade treaty. That would be a vita tool, extending the international rule of law o conventional arms.

The United Kingdom supports efforts in th Open-ended Working Group to negotiate a international instrument to enable States to identify an trace illicit small arms and light weapons in a timel and reliable manner. The European Union as a whol supports the idea of a legally binding instrument tha also includes small arms and light weapon ammunition. We share Under-Secretary-General Abe' hope that the Group's work will conclude positively a its third and final session, this June. The Unite Kingdom supports the establishment of a group o governmental experts to consider further steps t enhance international cooperation in preventing combating and eradicating illicit brokering.

The United Kingdom also supports the expande scope of the United Nations Register of Conventiona Arms as a global transparency measure. We welcom the inclusion of man-portable air defence system

(MANPADs) and light artillery within the scope of the Register, as well as the voluntary reporting of small arms and light weapons transfers.

The significant threat posed by MANPADs has been acknowledged globally; measures to prevent their diversion must be strengthened. The United Kingdom therefore regrets that the 2003 Group of Governmental Experts was unable to reach consensus on the inclusion of small arms and light weapons within the scope of the Register. We hope that that will be possible in the next review.

We encourage all Member States to include transfers of small arms and light weapons as part of the additional background information in their reports. Only through full transparency in the global trade in small arms and light weapons can we really fully address the problem of their diversion into the illicit market. The United Nations Register is a unique confidence-building measure in the field of conventional arms, and the United Kingdom would like to use this debate to encourage participation by all Member States.

The United Nations Programme of Action commits Member States to national, regional and international measures to control small arms and light weapons. The 2003 Biennial Meeting showed that much remains to be done to implement those commitments. The United Kingdom calls on States to help those countries affected by armed violence to build their capacity to control small-arms transfers. That can be done through the transfers control initiative that we are proposing and funding. As Japan has already underlined in this debate, such assistance is most effective when conducted within development partnerships aligned with broader development goals. Our common aim for the 2005 Biennial Meeting must be significant progress in international efforts to tackle this problem, which is at the heart of so many conflicts today.

Mr. Mayoral (Argentina) (*spoke in Spanish*): Permit me at the outset, Mr. President, to express my appreciation for your country's interest in holding this open debate on the issue of small arms, which affect the daily lives of millions of persons. Permit me also to thank, through you, Mr. Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, for his detailed presentation of the report of the Secretary-General (S/2005/69), and to congratulate Ms. Yoriko Kawaguchi on her excellent statement.

The issue of small arms is a complex problem, given its dimensions of public safety, armed conflict and humanitarian issues, depending on the region or subregion concerned. The very nature of the problems caused by small arms thus requires a coordinated and complementary focus among the various organs of the system. That is why, when we were discussing the presidential statement to be adopted at the end of this debate, Argentina made sure that the focus was on two areas of the Security Council's primary competence: arms embargoes and the disarmament, demobilization and reintegration of former combatants.

With regard to arms embargoes, we fully support recommendations 5 and 9 of the Secretary-General's report: to encourage Member States to enforce all Council resolutions on sanctions, including those imposing arms embargoes, in accordance with the Charter of the United Nations, and to adopt national legislation in that regard, including the use of end-user certificates.

Concerning the disarmament, demobilization and reintegration of former combatants, that process is of unquestionable importance as an essential component of peacekeeping operations if we are to avoid the recurrence of armed conflict. Our own experience in many peacekeeping operations has convinced us of the need to address the economic and social aspects of the process if we truly intend to eradicate the underlying causes of conflicts.

As regards the Council's competence in the area of small arms, we cannot fail to mention the risk represented by the diversion of such arms — particularly man-portable air defence systems — to terrorist groups. In that connection, we note with satisfaction the decision to broaden the scope of the Register of Conventional Arms as a measure to promote transparency and confidence throughout the world. We encourage weapons-exporting countries to be as responsible as possible in their transactions and to prevent the flow of arms and munitions to areas of instability.

This open debate is an excellent opportunity for the Council to support and encourage the work of the General Assembly aimed at implementing the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Argentina is committed to the full implementation of the Programme and is

participating, together with our partners in the Common Market of the South (MERCOSUR) and associated States, in the Open-ended Working Group charged with negotiating an instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. We hope that that instrument will be legally binding and that it will cover illicit ammunition. The Biennial Meeting on the Programme of Action to be held next June will be a decisive step in preparing for the 2006 review conference, and we are fully committed to ensuring the success of both meetings.

Finally, another step in the right direction would be to establish a group of governmental experts to strengthen cooperation in preventing, combating and eliminating the illicit trade in small arms and light weapons.

Mr. Motoc (Romania): Romania fully associates itself with the statement to be made by the representative of Luxembourg on behalf of the European Union. In addition, I would like to make some specific comments on the topic under consideration today, but not before commending the Secretary-General for his comprehensive report (S/2005/69), whose recommendations we support. We are grateful to Under-Secretary-General Nobuyasu Abe for his valuable introduction of that important document. A special word of appreciation goes to the delegation of Japan for its work on the presidential statement and for its overall engagement in support of our debate today.

We have all come to the point where we realize that the question of small arms involves not only disarmament, but also development, democracy, human rights and human security. We all are aware that the illicit trafficking and uncontrolled flow of small arms and light weapons are sources of instability. The proliferation of such weapons has exacerbated conflict, caused refugee flows and spawned a culture of violence and impunity. Often, they pay for civil wars, which in turn produce severe economic and social consequences. In almost all the conflicts that took place in the past decade, ranging from the Great Lakes region in Africa to the Balkans and to Central and South Asia, the weapons used by the various parties have been mainly small and light weapons.

The humanitarian implications of small arms have alerted the international community to the urgency of curbing their illicit trafficking, thus reducing violence and the risk of civil wars. Their availability to parties may impact on the willingness of those parties to negotiate peaceful solutions and may limit the capacity of States and international or regional organizations to engage in conflict-prevention and peacebuilding efforts.

Small arms are also used by terrorists and criminal groups. The illicit trade in small arms becomes a threat not only to countries torn by internal conflict, but also to States that are free from instability but are routes of transit or trans-shipment for illegal transactions.

On the other hand, countries retain the legitimate right to self-defence in accordance with the United Nations Charter. Arms production and transfers for that purpose are licit. Legality of arms trading entails the conduct of transfers in an even more responsible manner. The arms industry must be carefully controlled by government policy and regulations, and clear and strict criteria on arms exports should be implemented.

There are no simple solutions, however, and no single method for dealing with the impact of the illicit small arms trade. Political commitments can make a critical difference in conflict-affected countries and regions.

In recent years, more States have committed themselves to abide by and implement regional and international standards to strengthen export controls to prevent illicit trafficking in small arms and light weapons. The United Nations Programme of Action, the Document on Small Arms and Light Weapons adopted in 2000 by the Organization for Security and Cooperation in Europe and the European Union Code of Conduct on Arms Exports are thus the most relevant standards in our region. Effective implementation of such commitments is indeed a complex and challenging task, which requires political will and adequate resources. It also requires a great deal of cooperation in order to identify and develop a common understanding of procedures, standards and mechanisms to enforce controls.

Most countries have already in place laws and regulations that are used to control production, use and transfer of small arms and light weapons. However, in some countries existing laws appear to be inadequate, or control procedures vulnerable to misuse.

Romania's policy on small arms will continue to be focused on combating illicit trafficking, on pursuing a responsible and transparent policy on legal transfers, and on promoting the removal and continued destruction of surpluses. In implementing its commitments under the Programme of Action, Romania started in early 2002 a programme of destruction of its small arms and light weapons.

Romania, which is also concerned with challenges related to small arms and light weapons in its own neighbourhood, stands ready to share its experience with all interested countries and to assist other States in establishing and developing sound export control systems.

Most weapons start out their lives legally. States have to focus on regulating the legal production of, and trade in, small arms and light weapons, starting at the national level. Governments need to tighten legislation and regulations governing production and trade, in particular on marking and tracing, and then invest significant resources in implementation. We also need greater recognition that domestic laws and international policies are interdependent and that each country's relevant national laws have an impact on neighbours and even on countries in other regions.

As indicated in the report of the Secretary-General (S/2005/69), significant progress has been achieved so far at the global, regional and national levels. Yet many issues related to small arms and light weapons are still to be discussed and agreed upon with a view to formulating and enforcing international norms and regulations in this field.

Further concrete measures should be undertaken in several directions, such as better coordination between various programmes managed by the United Nations and those run by regional and subregional organizations, in particular on issues such as disarmament, demobilization and reintegration (DDR) and illicit trafficking; the establishment of national points of contact for information-sharing and cooperation, in particular for the implementation of relevant decisions adopted by the Security Council; and the improvement of public awareness and transparency by enhancing cooperation between Governments and industry and by publishing annual reports on arms transfers.

The Security Council has a major role to play in making small arms a focus of global attention and action. It could add value by improving the effectiveness of its arms embargoes, by putting an end to the economy of war, by encouraging moratoriums on arms sales to conflict regions and by adopting comprehensive regional approaches to DDR programmes. The minimal requirement for Governments to report to the United Nations on their small arms activities, including on man-portable air defence systems, must also be taken into consideration.

Finally, weapons management, and in particular the control of civilian possession of small arms and light weapons in post-conflict countries, is central to longer term human security. This will be effective only if it takes place within the framework of comprehensive programmes of security reform, subject to the authority of representative civilian Governments.

Those are only a few — but important — elements that I believe we need to address in our future undertakings as well.

Mr. Valle (Brazil): The delegation of Brazil wishes to express its appreciation to you, Mr. President, for the initiative of convening this debate on the issue of small arms. We also thank the Under-Secretary-General for Disarmament Affairs for presenting the Secretary-General's report (S/2005/69) on ways and means in which the Security Council can contribute to dealing with the question of the illicit trade in small arms and light weapons, in interaction with the General Assembly.

The issue of the uncontrolled traffic in such weapons has become a matter of great concern for the international community due to the tragic consequences of arms availability in terms of making local conflicts more lethal and of generating a sense of insecurity in civil society.

The subject of small arms, whether in the context of disarmament, national security and public security or from a humanitarian perspective, must be permanently discussed in all relevant forums. The solution to this problem requires the commitment of all States and the assistance of civil society, along with the input of international, regional and subregional organizations.

The Secretary-General's report recognizes some progress made on his recommendations within the competence of the General Assembly since our last debate on small arms, at our 4896th meeting, one year

ago. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade and Small Arms and Light Weapons in All Its Aspects is the reference that regulates United Nations activities in this field. The delegation of Brazil expects that the consideration of its implementation at the Second Biennial Meeting of States, to be held next July, will contribute to the good results of the 2006 review conference on the Programme of Action.

For that reason, the step taken by the General Assembly towards constituting an Open-Ended Working Group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons is crucial. The Working Group has put great efforts into its endeavour. We expect that the document to be produced at its third session will be legally binding and responsive to the urgent necessity of interrupting the illegal flow of such weapons. Our next step should be to consider how to improve international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

The delegation of Brazil is very pleased with the reaction of Member States to the recommendation in favour of greater participation in the United Nations Register of Conventional Arms and in the United Nations standardized instrument for reporting military expenditures. This enhanced participation continues to be required, as it generates transparency and stronger confidence among countries.

There have been important developments at the regional and subregional levels as well. Brazil strongly supports all the efforts that have been deployed by the Organization of American States to curb the illicit traffic in small arms and light weapons, such as those related to the implementation of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, and of the model regulations of the Inter-American Drug Abuse Control Commission.

Unfortunately, despite the national efforts made, there are still loopholes in the regime governing the legal transfer of arms that allow for the diversion of arms to the illegal market. Brazil stands as an example of such efforts, having adapted its legislation to current necessities. Last year, President Lula sanctioned the innovative Disarmament Statute, which restricts the bearing, possession and commerce of arms, in addition to criminalizing international arms trafficking. Brazil has also adopted a national arms system as a measure of preventive control. Aside from the strengthening of legislative measures, we also regularly exchange information with our neighbours and have established border procedures. With its partners in MERCOSUR, Brazil is developing a network of activities that are progressively strengthening cooperation among its members. However, despite all these national, subregional and regional initiatives, we still have not solved the problem. With reference to the recommendations of the Secretary-General that fall within the Security Council's purview, our delegation would like to highlight the need for a comprehensive approach to the disarmament, demobilization and reintegration of former combatants. We fully support the Secretary-General's concern with the social and economic aspects of post-conflict situations. It is crucial for the accomplishment of a peacekeeping operation's mission that provision be made for technical, financial and logistical support for the reintegration phase.

Much more remains to be done. May this broad exchange of opinions constitute further evidence that all United Nations Members are renewing their commitment to work together and to contribute to our common efforts towards eradicating the illegal flow of small arms.

Finally, we join members in thanking the delegation of Japan, through Ms. Kawaguchi, for the preparation and presentation of the draft presidential statement.

Mr. Mahiga (United Republic of Tanzania): I wish at the outset to thank Mr. Abe, Under-Secretary-General for Disarmament Affairs, for presenting the report of the Secretary-General. We recognize the presence of Ms. Yoriko Kawaguchi in our midst today in the Council.

Tanzania acknowledges and welcomes the increasing systemwide recognition by the United Nations of the dangers posed by small arms to regional and international peace and security. The measures which have been taken so far by the Security Council to address the problem of small arms are encouraging.

National security, as well as law and order, in many African countries, including Tanzania, has been adversely affected by the easy availability of small

arms and light weapons due to many factors, including porous borders, recurrent subregional conflicts, the presence of armed elements among refugees and illicit international trade in these weapons. For decades, small arms have spread uncontrolled, with devastating consequences for human security in Africa.

Small arms are the weapons of choice in most conventional conflicts and insurgencies. They claim thousands of lives and cause injuries around the globe every year, the majority of the victims being civilians, especially women and children. These weapons fuel, intensify and prolong conflicts, frustrate peace initiatives and destabilize regimes emerging from conflict. Small arms and dual-use instruments such as machetes in the hands of undemocratic regimes and insurgent non-State actors have been responsible for some of the most gross human rights violations, genocides, crimes against humanity and war crimes in Africa. As we know all too well, today car bombs and dynamite sticks are among the deadliest weapons in the arsenals of terrorists and international terrorism. The control of the spread of small arms and light weapons should therefore be one of the major preoccupations of the Security Council in discharging its primary responsibility for the maintenance of international peace and security.

The ease with which small arms and light weapons are obtained is an obstacle to peace efforts and must be addressed systematically and comprehensively as part of the disarmament responsibilities of the United Nations system as a whole. We welcome the establishment of a small arms advisory service within the Department of Disarmament Affairs.

While the steps that have been taken so far in the realm of small arms control are commendable, there is still a need for greater support from a number of actors and stakeholders, such as the media; for the participation of non-governmental organizations; and for the involvement of human rights activists, religious bodies and other advocacy groups. Such initiatives should be coordinated with related development strategies and goals.

We strongly recommend the implementation of the recommendations contained in the Programme of Action adopted by the July 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. Tanzania welcomes and encourages the efforts of the Open-ended Working Group established by the General Assembly in December 2003 to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. That initiative requires greater political impetus on the part of exporting and importing countries alike to move it forward. The Secretary-General's initiative to establish a group of experts to consider this issue is most welcome and should be encouraged.

The linkage between illicit trade in small arms and light weapons and the illicit exploitation of resources should be clearly understood, with a view to discouraging and stopping it. The scant attention given to disarmament, demobilization and reintegration (DDR) programmes in post-conflict situations is a major cause of the circulation of arms as currency and a means of exchange and livelihood by ex-combatants. It is one of the major sources of illicit arms circulation and political instability following peace agreements and the peacebuilding phase of post-conflict situations.

Most of the conflict-ridden areas, particularly sub-Saharan Africa, are major recipients of small arms. States in those areas should be encouraged to come up with legislation on marking and end-user certificates. They should also exercise restraint in military expenditures and focus on transparency in weapon registrations, including through credible national arms registers.

We encourage initiatives like that of Japan for grant aid for peacebuilding assistance established under the United Nations Global and Regional Disarmament Trust Fund, which can be used for development.

In collaboration with the General Assembly and the Security Council, we could begin to build a culture of tolerance which would enable people to own weapons for their legitimate security interests without necessarily utilizing them for criminal purposes or for disrupting the peace.

Finally, efforts aimed at collecting and destroying small arms and light weapons associated with criminal activities such as drug trafficking and serious breaches of law and order, nationally and regionally, should be encouraged and financed.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): We are grateful to Mr. Abe for having introduced the report of the Secretary-General on small

arms. The conclusions and recommendations in the report confirm that the United Nations must, and indeed is, playing a lead role in the implementation of a comprehensive approach in this area. The Russian Federation has spoken out consistently in favour of enhancing the Organization's coordinating role in tackling the illicit trafficking in small arms and light weapons. Preventing the illegal spread of those weapons is becoming particularly urgent in the context of counter-terrorism and dealing with the consequences of armed conflict.

A number of important events have recently taken place that prove that the international community has great capacity to combat the illicit trafficking in small arms. In accordance with General Assembly resolutions adopted in December 2003 and December 2004 on the illicit trafficking in all its aspects, there were two meetings of the Open-ended Working Group that is developing an international instrument to enable States to identify and trace illicit small arms and light weapons in a timely and reliable manner. The draft instrument on that matter quite rightly emphasizes such key areas as weapons-marking, record-keeping and increasing international cooperation in that area. The creation of a comprehensive monitoring mechanism should provide an effective barrier to the illegal trafficking in small arms and light weapons throughout the world.

We attach great importance to the second meeting of States planned for July 2005 to consider the national, regional and global implementation of the United Nations Programme on the Illicit Trade in Small Arms and Light Weapons. We believe that event will make it possible to take stock of the implementation by States of the Programme of Action and to highlight existing problems on the eve of the 2006 United Nations conference to review the progress made in implementation of the Programme of Action. We are convinced that the bulk of the work in this area should continue to be done in the format indicated.

The Security Council has on several occasions discussed the problem of the illegal trafficking in small arms and light weapons as it relates to conflict situations on the Council's agenda. The Council's comprehensive discussion in January 2005 was very useful and timely with regard to resolving complex problems related to maintaining and restoring international peace and security in Africa, particularly in West Africa.

The Russian Federation favours the adoption of decisive and effective steps in cases in which weapons are delivered to illegal armed groups. The experience gained in the implementation of embargoes on the transfer of arms to zones of conflict confirms the effectiveness of the measures taken by the Security Council. However, a top priority continues to be the monitoring of compliance with the Council's bans on the delivery of weapons and the enhancement of the effectiveness of monitoring mechanism to investigate cases of embargo violations.

In the context of peacekeeping operations under the aegis of the United Nations — and this is a point referred to in the Secretary-General's report — greater attention has recently been given to the subject of the disarmament, demobilization and reintegration (DDR) of ex-combatants, including with regard to the mandates for peacekeeping operations and, in close cooperation with parties to a conflict, the collection of illegal small arms and light weapons and disrupting their distribution. The support of donors for DDR programmes is an important element in the success of such programmes.

Experience in the area of resolving conflict situations convincingly shows that there is a direct link between the illegal trafficking in small arms and light weapons and the activities of illegal armed groups, the involvement of child soldiers in conflict, massive violations of human rights and the rules of international humanitarian law, and transborder crime. The need to prevent small arms and light weapons from falling into the hands of terrorists is becoming increasingly clear, in particular with regard to the most dangerous types of small arms and light weapons.

We believe it important to continue to pay special attention to specific and feasible measures to combat the illegal trade in small arms and light weapons at both the prevention stage and during the post-conflict phase. Accordingly, the experience of regional organizations is both very timely and useful.

In conclusion, I would like to express my gratitude to the representative of Japan for his preparation of the draft presidential statement that we will adopt later today.

Mr. Vassilakis (Greece): I would first like to thank you, Mr. President, for convening today's meeting on the very serious subject of small arms and

light weapons. The mere fact that the Council is seized with the subject for the fifth time proves its relevance.

We welcome the report of the Secretary-General on small arms. We would very much like to thank Under-Secretary-General Abe for the clarity of his presentation. We also welcome Ms. Kawaguchi. I would also like to thank my Japanese colleagues for their careful preparation of the draft presidential statement that the Council will adopt at this meeting.

We associate ourselves with the statement to be made shortly by Ambassador Jean-Marc Hoscheit, Permanent Representative of Luxembourg, on behalf of the European Union. I would nevertheless like to make the following points.

The illicit trade in small arms and light weapons has contributed to their unlimited proliferation. Several million small arms and light weapons are illegally possessed by either transnational crime organizations or non-State actors.

It is estimated that the victims of small arms and light weapons total 500,000 annually, a large proportion of them being children and civilians. Most affected by this modern scourge are developing countries. In order to contain this modern plague on humankind, in 2001 the United Nations adopted the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Its implementation is of paramount importance.

The first Biennial Meeting of Member States on the Implementation of the 2001 Programme of Action on Small Arms and Light Weapons was held in July 2003 to exchange experiences. The second such meeting will be convened in July 2005, and a review conference is planned for the following year. We hope that this ongoing effort will lead to a positive outcome.

Pursuant to General Assembly resolution 58/241, an open-ended working group was established in order to negotiate an instrument on marking and tracing. The group made considerable progress in its first two sessions, although some substantial issues are still open. Greece hopes that all pending issues will be resolved during the next meeting. A new legally binding instrument on marking and tracing will greatly facilitate the eradication of small arms and light weapons.

Another means to combat the illicit trade is the adoption of end-user certificates. Both the European Union and the Organization for Security and Cooperation in Europe have relevant provisions in place that emphasize the implementation of that plan. End-user certificates will help to discover whether arms destined for legal uses have been diverted to illegal recipients, thereby limiting the flow of small arms and light weapons to unauthorized or undesired users. If such a measure is universalized, it will contribute greatly to our legal arsenal in the fight to eradicate the illicit flow of small arms and light weapons.

In accordance with Article 51 of the Charter of the United Nations, all countries have an inherent right to self-defence. The armed forces and police of States therefore need small arms and light weapons. One can nevertheless not overlook the fact that, in some instances, small arms and light weapons that start out legally ultimately arrive at illegal destinations. That loophole has to be effectively addressed through severe measures in the national legislation of all countries.

Given that small arms are inoperable without ammunition, the flow of ammunition for small arms and light weapons must also be brought under control. My country has actively participated in the programme to destroy excessive ammunition in Albania.

We support the view that the Security Council, in its consideration of peacekeeping operations, always has the duty to introduce a component dealing with the disarmament, demobilization and reintegration of combatants into their local societies. That is a measure of paramount importance. If it is well implemented, it will enhance stability in conflict-torn countries.

Measures also have to be taken to ensure strict compliance with United Nations embargoes and sanctions in conflict areas. The Council should spare no effort to stop the proliferation of small arms and light weapons or to identify potential links between the illicit trade in those weapons and the illicit exploitation of natural and other resources. Zero tolerance for smugglers has to be the rule. Countries also have to exert some restraint when they are exporting to conflict areas, even when an arms embargo has not yet been imposed.

Last but not least, the Council should urge all Member States fully and effectively to implement all recommendations of the Secretary-General, who should also be requested to produce a further update on the matter when the Council is next seized with the question of small arms and light weapons.

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I wish to thank you, Sir, for arranging this meeting, which gives us the opportunity to exchange views on the issue of small arms and light weapons.

I also take this opportunity to thank the Secretary-General for his recent report to the Security Council and Under-Secretary-General Abe for his introduction.

In recent years, small arms and light weapons have increasingly become the focus of international attention. The illicit trafficking and excessive accumulation of such weapons have worsened armed conflicts in certain countries and regions and disrupted peace processes and the smooth operation of post-conflict reconstruction. They are also closely linked to terrorism, organized crime, the illicit exploitation of natural resources and child soldiers, causing political, economic and social damage.

National Governments shoulder the primary responsibilities in combating the illicit traffic in small arms and light weapons. The root cause of that problem can be removed only by reinforcing national legal systems and control mechanisms and by imposing strict controls on domestic production and trade in small arms and light weapons. At the same time, as small arms and light weapons have increasingly become a global issue, the appropriate solution to the problem cannot be sought without the joint efforts of the international community. All countries must undertake close cooperation at the national, regional and international levels; tighten supervision and control of the trade in small arms and light weapons; trace illicit trafficking networks; pool information; and provide the developing countries with the necessary financial and technical assistance.

International efforts on small arms and light weapons form a most active and productive component part of the current multilateral arms control endeavour. The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, concluded in 2001, have established a policy and legal foundation for the settlement of small arms and light weapons issues, adding a new chapter to the international combat against illicit trafficking in small arms and light weapons.

The follow-up international efforts have enjoyed gratifying progress. Countries have attached great importance to the Programme of Action, earnestly implemented various measures and accumulated valuable experience. On that basis, the United Nations First Biennial Meeting on the implementation of the Programme of Action was held successfully in 2003, vigorously enhancing the Programme's comprehensive implementation. A wide spectrum of international and regional seminars on small arms and light weapons has also played an important role in increasing international consensus and expanding the exchange of information.

It is worth mentioning that, on the basis of the work of the Group of Governmental Experts established by the Secretary-General, the Open-ended Working Group on an international instrument for the timely and reliable identification and tracing of illicit small arms and light weapons was set up last year and two sessions have been held. The parties involved have had an in-depth exchange of views on marking, record-keeping and international tracing cooperation and have reached wide consensus. We hope that the Working Group will conclude the new international instruments on schedule, which will contribute to a more effective strike against the illicit trafficking of small arms and light weapons.

In July this year, the United Nations Second Biennial Meeting on the implementation of the Programme of Action will be held, and the review conference will take place next year. We hope that, based on the previous work, the two important meetings will comprehensively review the implementation of the Programme of Action, exchange views, jointly seek solutions to difficulties and problems, and earnestly enhance national efforts to implement various measures embodied in the Programme step by step.

In recent years, the Security Council has often held special deliberations on the issue of small arms and light weapons, and emphasized the importance of that issue in seeking solutions to regional conflicts. In complement to the aforementioned international efforts, the Security Council should, within the scope of its mandate, continue to focus its attention on the

issue, earnestly monitor the implementation of the relevant arms embargoes, and include disarmament, demobilization and reintegration in peacekeeping operation authorizations. In addition, the Security Council should strengthen coordination with the General Assembly and other United Nations bodies in that regard to achieve complementarity.

China fully supports the efforts being made against the illicit trade in small arms and light weapons and has played an active part in the relevant international efforts. In recent years, China has earnestly implemented the Programme of Action and further improved its relevant legislations. China has already signed the Firearms Protocol and is now preparing to ratify and implement it, establishing a national database on the production and possession of and trade in small arms and light weapons, and optimizing its marking system.

China supports the United Nations in playing a lead role in international efforts to seek solutions to the small arms and light weapons issue. We have taken an active and constructive part in all the meetings of the United Nations group of governmental experts on small arms and light weapons, as well as the work of the current Open-ended Working Group on the new international instrument. In April this year, China, Japan and Switzerland, together with the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, will jointly hold an international workshop on small arms and light weapons in Beijing to enhance the in-depth study of that issue, especially in Central and South-East Asia. China is ready to join with the rest of the international community in seeking an early and appropriate global solution to the issue of small arms and light weapons.

Before concluding, I should like to join my colleagues in expressing support for and thanking the Japanese delegation for drafting the presidential statement to be adopted today.

Mr. Baja (Philippines): I wish to thank you, Sir, for organizing this important debate on small arms. Indeed, as pointed out by the representative of Tanzania, the prevention of the proliferation of those arms is a key task of the Security Council in the discharge of its mandate for the maintenance of international peace and security.

We are also grateful to Under-Secretary-General Abe for his comprehensive briefing and introduction of the report of the Secretary-General on the subject, and to the former Japanese Foreign Minister for her important statement in this debate.

A leading university has estimated that, in 2003, 639 million firearms were in circulation the world over, 80 per cent of which were purchased by civilians. Out of this number of civilian firearms, manufactured mainly in developed countries, 41 per cent, or over 200 million firearms, are illicit. In other words, there was a ratio of one illicit — uncontrolled, unlicensed, illegal or unauthorized — weapon to every 25 persons in the world. It would be interesting to know last year's statistics.

In large parts of the world, small arms and light weapons are weapons of mass destruction. The availability of small arms and light weapons stokes conflicts, causes a high number of casualties, complicates peacekeeping operations and hampers disarmament, demobilization and reintegration (DDR) and the peaceful settlement of disputes. Thus, in 1994, the General Assembly adopted, for the first time, a resolution — resolution 48/75 F — recognizing the threat posed by small arms to national and regional security and their contribution to the destabilization of States.

Since that time, no regulatory regime to control the proliferation of illicit small arms has emerged. In the view of my delegation, the problem of small arms and light weapons is a global one requiring a comprehensive and coordinated response at the national, subregional and international levels. The problem goes beyond the military and disarmament domains; it has humanitarian as well as socio-economic consequences. There is need, therefore, for international cooperation, capacity-building and financial assistance to developing countries in addressing the problem. Also, weapons-exporting countries need to assume a greater degree of responsibility in their operations relative to small arms and light weapons.

My delegation endorses the negotiations on two important international instruments proposed under the United Nations Programme of Action dealing, respectively, with marking and tracing and with the illicit brokering of small arms and light weapons. The successful and early conclusion of those two instruments is urgently needed for cohesion in preventing, combating and eradicating the illicit trade

in small arms and light weapons. It will ensure that national legislation, as well as bilateral, subregional and regional arrangements, will be aligned or re-aligned accordingly. Unless such instruments are in force, disparate approaches at the national, subregional and regional levels will give the highly organized illegal traffickers and brokers ample room to carry out their trade with impunity.

Every effort should be made to conclude negotiations on the draft international instrument on marking and tracing by June 2005. The issue of whether or not the instrument should be legally binding should not be a wedge issue anymore, taking into account the fact that the illicit trafficking of small arms and light weapons is already criminalized in many jurisdictions. In this context, the Philippines will endorse the recommendation of the High-level Panel on Threats, Challenges and Change that

> "Member States should expedite and conclude negotiations on legally binding agreements on the marking and tracing, as well as the brokering and transfer, of small arms and light weapons". (*A/59/565, report, para. 96*)

It is cause for regret that negotiations on a draft international instrument on brokering have been pushed back to the second half of 2006.

The Philippines pointed out last year that the Security Council and the General Assembly are both seized of the issue of small arms. In that regard, my delegation reiterates its proposal for interaction between the Council and the Assembly to facilitate complementary action on the problem. We strongly support the convening this year of the first consultation and coordination between the Council and the Assembly to set into motion the much-needed interaction of the two United Nations organs most concerned with the subject of the illicit trade in small arms.

In conclusion, and as the former Foreign Minister of Japan said, the issue of small arms and light weapons is a multidisciplinary issue. We should continue to engage the assistance and cooperation of civil society, whose members look at this issue through the prism of humanitarian considerations. They can provide impetus for Governments to move forward and avoid unnecessary delay. My delegation's strong support for giving a role to civil society upholds the provision of the Programme of Action which encourages non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, subregional and national efforts to implement the Programme.

We are, of course, grateful to the Japanese Mission for negotiating the draft presidential statement to be adopted at the end of today's meeting.

Mr. Benmehidi (Algeria) (*spoke in French*): Mr. President, my delegation would like to thank you for organizing this open debate on small arms. We welcome the attention given by the Security Council to this issue, which is particularly sensitive because of its implications for the maintenance of international peace and security. I would like to thank the Secretary-General for his report (S/2005/69) and Mr. Nobuyasu Abe for his excellent introduction to it.

The scope and complexity of the issue of illicit trafficking in small arms is more than ever before a challenge to the international community to take prompt, effective and bolder measures to curb this scourge. Combating this multidimensional phenomenon demands constant vigilance and effective action on the part of the international community. There can be no hesitation, and we cannot relent in our efforts. States that have primary responsibility for this task must take steps commensurate with the challenge, while at the same time fully respecting the right of each State to security, as enshrined in the United Nations Charter.

For the struggle to succeed, all Member States must be unambiguously committed to ending illicit trafficking in small arms and to cooperating fully at the bilateral, regional and international levels to dismantle networks of illegal arms brokers.

Tackling the causes of the problem clearly demands that producer countries demonstrate the highest level of responsibility in identifying the end-user when contracting arms sales.

The General Assembly is making a real contribution to mobilizing the international community against illicit trafficking in small arms. The United Nations Programme of Action on small arms, adopted in July 2001, is certainly an important step forward in combating this scourge, which feeds armed conflict, particularly in the African continent, and fuels terrorist networks and organized crime.

One of the advantages of the Programme is that it sets forth a number of norms and principles that must

become a benchmark for any undertaking in this area. The General Assembly's 23 December 2003 decision to establish an Open-ended Working Group to negotiate an international instrument on identifying and tracing illicit small arms was a timely response to the international community's concerns on combating illegal movements of such arms.

Following open debates in August 2001 (see S/PV.4355), in October 2002 (see S/PV.4623) and in January 2004 (see S/PV.4896), the Security Council adopted three presidential statements containing recommendations that support efforts made in this area and that help to resolve the question of illicit trade in small arms in situations of which it is seized. Here, my delegation agrees with the recommendation in the report of the Secretary-General on the need for interaction between the General Assembly and the Security Council — two principal organs of the Organization — so as to better understand the phenomenon and develop a long-term common strategy commensurate with the challenge.

In our view, we will not be able to curb the trafficking in small arms or to consolidate peace in conflict and post-conflict situations unless there is effective regional cooperation and international cooperation that mobilizes resources to help in collecting and destroying illegal small arms, within the context of programmes for the disarmament, demobilization and reintegration of former combatants.

In this regard, Africa deserves the attention and support of the international community in its sustained effort and determination to combat resolutely the scourge of the illicit traffic in small arms, which is threatening Africa's stability and seriously jeopardizing its development efforts.

Commendable initiatives have been made at the level of the African continent — through, for example, the Bamako Declaration and the West African moratorium — which reflect Africa's unwavering support and its resolve to participate actively in international efforts to combat the illicit trade in small arms.

In this context, Algeria, which is well aware of the need to ensure regional cooperation to combat the transborder movement of small arms in the African and Arab regions, has agreed to organize, with the support of the United Nations Department for Disarmament Affairs and interested countries, a regional meeting on this issue.

In conclusion, I would like to think the delegation of Japan for having coordinated the negotiations on the draft presidential statement, which my delegation fully supports.

Mr. Faaborg-Andersen (Denmark): We would like to thank you, Mr. President, for having convened today's debate on small arms. We welcome the report of the Secretary-General on the issue (S/2005/69). I would also like to thank Under-Secretary-General Abe, for his useful comments, and Ms. Kawaguchi for her presence here in the Council.

I would like underline at the outset that Denmark associates itself with the statement to be delivered later by the Permanent Representative of Luxembourg on behalf of the European Union.

The challenge that small arms and light weapons pose for us is complex. Those arms fuel underlying tensions, exacerbate conflicts and hamper peacebuilding efforts. The arms are an easy currency for smugglers, sanctions busters and terrorists, and are widely traded for illegally extracted natural resources. At the same time, in many parts of the world small arms are also the breadwinners and the primary means of protection for civilians struggling to survive in societies where the rule of the gun rather than the rule of law dominates.

This complex challenge must be tackled through a comprehensive approach that addresses both the supply side and the demand side of the equation. It should bring together a range of measures — security, legal, political and developmental — and engage a wide variety of actors, the Council being only one of them. I would like briefly to offer some views with respect to three areas of action.

First, Denmark fully supports the expeditious implementation of the United Nations Programme of Action. We hope that the Biennial Meeting this year and the review conference in 2006 will further develop the Programme as a platform for advanced policies on small arms and light weapons.

The ongoing negotiations on marking and tracing small arms, light weapons and ammunition could be a major achievement in this regard, and we strongly believe that the international community should move

directly to the adoption of a legally binding international instrument.

Developing a tool to confront illicit brokering is the next step forward. The legal and illegal supply chains are closely interlinked. Often it is only at the last stage that a transaction becomes illegal. The development of a verifiable and credible end-user certificate system would be of critical value in further tackling illicit arms transfers.

Secondly, we would like to stress the need for the Council to continue to explore ways and means of using and enforcing its arms embargoes. We agree with the recommendation of the Secretary-General that the Council should move to use arms embargoes sooner rather than later, to try to prevent heightened political tension from turning into outright violent conflict. This will also often be a way of effectively breaking the link between the illegal exploitation of natural resources and illicit arms trafficking.

Establishing panels of experts has greatly enhanced the monitoring of arms embargoes, but the follow-up to the recommendations of the panels must be strengthened, for example, through stronger provisions for secondary sanctions on countries or individuals that violate sanctions regimes. We believe that the Council should stimulate further consideration of the role peacekeeping units and other relevant actors, including civil society, could usefully play in enforcing sanctions regimes. Again, attention should be directed at both ends of the chain of supply and demand. Arms embargoes work only if the necessary means to enforce them are in place and if everyone observes them painstakingly.

Thirdly, I would like to stress our particular concerns about the situation in Africa, where illicit arms transfers and the recirculation of weapons from one conflict to another constitute a mounting problem. Full use should be made of international and regional instruments to curb illicit arms flows and enforce arms embargoes in Africa. The challenge, however, can be tackled in the long run only by acknowledging the interlinkage between security and development. In order to break the vicious circle, it is necessary to address the root causes of why people procure arms: poverty, lack of legitimate employment opportunities, the failure of States to provide security, and civil strife.

That is why it is so crucially important to ensure funds for the rehabilitation and reintegration phase of disarmament, demobilization and reintegration (DDR) processes. The Council should engage in consultations with relevant partners on new ways of securing the necessary resources to create possibilities for vocational training, education and real jobs, taking into account the special needs of child soldiers and women.

We should approach with an open mind the possibility of funding a larger share of DDR-related activities in peacekeeping operations through assessed contributions. But often the financial and human resources are already there: we just need to coordinate them better. Turf should be given up for the benefit of cooperation. In this regard, there is also a need to enhance regional cooperation and to harmonize DDR programmes across neighbouring countries. Further involving regional organizations, such as the Economic Community of West African States, is one way forward.

Last but not least, it is important not to forget the link to governance. For example, attempts at strengthening the rule of law and enforcement may enhance confidence in a country's legal system, which in turn may help to reduce the temptation to take the law into one's own hands.

It is clear that the Council is only one of a number of relevant actors needed to tackle the complex challenge of small arms and lights weapons. During its tenure, Denmark will strive to enhance the cooperation between the Council and other relevant agencies and organizations inside and outside the United Nations in this important endeavour. We believe that the security and development challenge posed by small arms underscores the importance of the current United Nations reform agenda, in particular the pertinence of the recommendation of the High-level Panel on Threats, Challenges and Change to establish a peacebuilding commission with the task of integrating security, political, social and economical aspects of peacebuilding.

Finally, I would like to thank the delegation of Japan for having prepared the draft presidential statement on this issue to be adopted at the end of the meeting.

Mr. De La Sablière (France) (*spoke in French*): France associates itself with the statement to be made later by the Permanent Representative of Luxembourg on behalf of the European Union.

I would like to thank Under-Secretary-General Abe for the report that he introduced (S/2005/69) on the question of small arms, which goes right to the heart of a number of conflicts on the Security Council's agenda.

In keeping with your recommendation, Sir, I will keep my statement brief. I will distribute the full text of the statement that I had been planning to make, which includes further details of our position.

Ever since the United Nations Programme of Action to combat the illicit trade in small arms was launched, France has participated actively in its implementation. Moreover, my country is considering new initiatives in which the international community could participate to combat the illicit trade in small arms more effectively.

With regard to implementing the Programme of Action, France has sought to promote the activities of regional organizations to which we belong and to develop cooperation with other regional entities. We have promoted the activities of the Organization for Security and Cooperation in Europe and of the European Union. On the African continent, we have financially supported the implementation of the moratorium of the Economic Community of West African States (ECOWAS) since 1999. We have also provided long-standing support to the United Nations Regional Centre for Peace and Disarmament in Africa, at Lomé, and we shall continue that effort. Finally, in multilateral forums, France hopes that the negotiations begun in New York in February 2004 will lead to a legally binding instrument that will eventually permit the international harmonization of national and regional norms in this area.

In addition to the initiatives already undertaken, we must now determine what proposals might be able to command a consensus. We believe it is on the basis of practical needs, such as those arising in the regional dimension of combating the illicit trade in small arms, that such proposals will be found.

France's approach to this subject within the European Union has two aspects. First, we must respond to the requests of Eastern European and Central Asian countries aimed at reducing their excess stocks of small arms and light weapons and ammunition resulting from the cold war. Those stocks could indeed be diverted and could help to fuel illicit trafficking, particularly to non-State actors in Africa.

Secondly, we need to support the efforts of African regional organizations in implementing instruments such as the ECOWAS moratorium. Particular attention should also be devoted to transborder problems and, in that context, to combating the illicit aerial transport of small arms and light weapons. That is a favourite method of bypassing embargoes and a source of particular concern for the Security Council. We must also think about how to supplement disarmament, demobilization and reintegration activities with a view to improving their effectiveness, and how United Nations peacekeeping operations could contribute to tracing small arms and light weapons.

At the national level, we are also thinking about the impact of the illicit circulation of small arms and light weapons on human development and about ways in which to include those issues in bilateral cooperation instruments.

Those are the points I wanted to make. France is now trying to make progress in those areas with our European Union partners. We hope that our thoughts will be more widely echoed within the United Nations.

The President (*spoke in French*): I shall now make a statement in my capacity as representative of Benin.

I, too, would like to thank Mr. Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, for his excellent introduction of the report of the Secretary-General on small arms.

The harmful effects of the proliferation of small arms and light weapons are increasingly obvious. Unquestionably, such weapons help to increase the number of crises. They fuel and prolong armed conflicts. They also support transborder organized crime, mercenarism and many other negative factors that gravely jeopardize basic human rights and hinder the development efforts of the affected countries.

Africa in general and West Africa in particular are affected. Two years ago, at the first Biennial Meeting of States to review the implementation of the Programme of Action to Combat the Illicit Trade in Small Arms, the number of illicit small arms circulating in West Africa was cited at 8 million. Today, ECOWAS estimates that number to be 15 million.

However, that is not because of a lack of awareness of the gravity of the phenomenon and its

repercussions on the stability of the subregion. The dizzying increase in the number of illicit small arms in circulation has taken place despite the ECOWAS Moratorium on small arms and light weapons. Quite rightly, ECOWAS member States have decided to transform the Moratorium into a binding convention to make the mechanism more effective. ECOWAS intends to complete the process of adopting the convention by December 2005 at the latest. Its management will be entrusted to a particularly influential organ of ECOWAS, the Mediation and Security Council in particular, which will lend its full authority to the new mechanism.

Here, I should also mention the decision of the ECOWAS countries to replace the Programme for Coordination and Assistance for Security and Development (PCASED), established by the United Nations Development Programme in 1999 to support the moratorium, with a new regional surveillance programme. It is clear that the real impact of PCASED on the development of the situation has remained marginal owing to a lack of resources.

The new programme adopted by ECOWAS in October 2004, named the ECOWAS Small Arms Project (ECOSAP), and the creation of a Small Arms Unit in the Community's Executive Secretariat, are important elements that reflect a renewed commitment to combating the illicit circulation of small arms in West Africa. ECOSAP is designed to promote, by strengthening them, capacities to monitor the illicit circulation of small arms across the borders of member States. In that regard, the experience of ECOWAS is also a specific example of mobilization to contain that phenomenon. We take this opportunity to make a strong appeal for greater responsibility on the part of countries that supply small arms so that they can help stem the phenomenon of the proliferation of such weapons.

The international community's efforts to stabilize West Africa should devote particular attention to controlling the arms flows that converge there. We welcome the notable progress made in the international community's strategy. An essential pillar of that strategy is the integrated regional approach adopted by the United Nations in the area of promoting disarmament, demobilization and reintegration (DDR) programmes, taking into account military, security, political, economic and social aspects. That approach should be supported by sufficient resources to maximize its impact. Likewise, we fully suppor recommended firmness to ensure compliance wit embargoes adopted by the Security Council. In regard, we support the implementation of Secretary-General's recommendation aimed identifying violators and adopting sanctions ag them.

In addition to those measures, which see reduce supply, particular attention should be devot promoting a culture of non-violence both an political actors and in the educational systems o affected countries, because that would help significantly reduce the demand for small arms.

We are convinced that the combined efforts o international community and the joint activities o countries of the region will make it possible to stab permanently the affected countries and to preven destabilization of other countries that have thu succeeded in preserving peace and security within borders.

We thank the delegation of Japan for the presidential statement that it has kindly submitted.

I now resume my functions as President o Council.

In order to optimize the use of our time an allow as many delegations as possible to take the f I will not invite speakers to take a seat at the table then resume their seat at the side of the Chamber time a speaker takes the floor, the Conference Of will seat the next speaker on the list at the table.

I now give the floor to the representative of S Africa.

Mr. Mabhongo (South Africa): My deleg would like to congratulate you on your assumptio the presidency of the Security Council for the mon February and to express our appreciation to you convening this very important open debate on the i of small arms and light weapons. My delegatio particularly pleased by the continued involvemen the Security Council in this issue.

South Africa also wishes to thank the Secre General for his report S/2005/69 on the state of implementation of the 12 recommendations he mad September 2002. Of particular importance to delegation are those recommendations that pertai the implementation of the United Nations Progra

of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and how the Security Council contributes to this implementation process.

Three years after the adoption of the Programme of Action in 2001, it is sobering to note that large numbers of illicit small arms and light weapons continue to circulate in Africa, fuelling conflicts and in most cases with peacekeepers unable to ascertain the origin of these weapons.

The Second Biennial Meeting of States to Consider the Implementation of the Programme of Action, which will be held this coming July, will, in our view, present a last opportunity before the 2006 Review Conference to reflect on the degree to which Member States have implemented undertakings in the Programme of Action. My delegation is of the view that this Biennial Meeting should provide an opportunity for Member States to identify difficulties in the implementation and areas where assistance is needed, particularly at the national and regional levels. South Africa continues to believe that the implementation of the Programme of Action at the respective national levels is imperative if we are to succeed in our combined efforts to prevent, combat and eradicate this scourge in all its aspects at the regional and global levels.

The adoption by the General Assembly of resolution 58/241, mandating an open-ended working group to negotiate an international instrument to enable States to identify and trace small arms and light weapons, presented an opportune moment for the international community to effectively deal with this issue. South Africa remains convinced that an effective international instrument would enhance the ability of States to uncover lines of illicit supply and identify traffickers and points of diversion from licit to illicit spheres.

South Africa is pleased to note from the Secretary-General's report that progress is being made on the tracing of illicit small arms and light weapons, as mentioned under Recommendation 1. However, the significant challenge that remains is that of obtaining consensus on the establishment of an international mechanism with the capacity to process and manage the tracing of these illicit arms in a timely and efficient manner.

It is through such collective efforts on the tracing of illicit small arms and light weapons — as well as the envisaged subsequent initiatives outlined in General Assembly resolution 59/86 to enhance international cooperation to prevent, combat and eradicate illicit brokering in these weapons — that we will be able to put in place the framework to halt the scourge of the illicit proliferation of small arms that the Secretary-General has outlined in his Recommendation 4. My delegation is therefore pleased that that resolution requests the Secretary-General to hold broad-based consultations on the issue of brokering, with a view to establishing a group of governmental experts on this issue not later than 2007.

South Africa's National Conventional Arms Control Act, which was implemented on 1 May 2003, represents the cornerstone of my country's conventional arms control legislation and related policies. This Act contains specific guiding principles and criteria to be considered when arms transfer applications are assessed. These provisions include the principle of adherence to international law, norms and practices and the international obligations and commitments of the Republic, including the United Nations Security Council arms embargoes. This prerequisite had already been included in our draft bill even prior to the inclusion of Recommendation 5, relating to national legislation, in the aforementioned report of the Secretary-General of September 2002 (*S/2002/1053*).

Similarly, the Act stipulates that arms export applications require the provision of authenticated end-user certificates, as mentioned in the Secretary-General's Recommendation 9.

Through its extensive involvement in peacekeeping operations in Burundi and the Democratic Republic of the Congo, South Africa has experienced the value of effective disarmament, demobilization and reintegration (DDR) activities. It has recognized that provisions relating to DDR are an essential part of the mandates of peacekeeping operations, as the Secretary-General has mentioned in his Recommendation 7. We believe that the Secretary-General's Recommendation 8, that strengthened financing of DDR programmes needs to be secured, is vital in guaranteeing that the entire peace process is a success.

Effective DDR programmes should include specific measures for the collection and disposal of illicit and surplus small arms and light weapons. We urge the international community and the donors to

complement such DDR programmes in order to assist countries emerging from conflict in the implementation of these programmes.

One of the pillars in the implementation of the Programme of Action is the regional approach. The South African Government has since identified the importance of this approach in addressing the problem of proliferation of small arms and light weapons. The New Partnership for Africa's Development (NEPAD), which is a programme of the African Union, includes a Peace and Security Initiative that maps out the promotion in our continent of long-term conditions for development and security. In this context, we collectively aim to build our continent's capacity to manage these conflicts by strengthening our regional and subregional institutions to deal with conflict-prevention, as well as by combating illicit proliferation of small arms and light weapons.

In conclusion, Mr. President, I wish to note the Secretary-General's observation that the Programme of Action has emerged as a key issue on the agenda of both the General Assembly and the Security Council. South Africa continues to view the General Assembly as the organ with the primary responsibility to oversee and monitor the implementation of the Programme of Action, to undertake its review and to launch initiatives such those on marking, record-keeping and tracing, as well as on illicit brokering of small arms and light weapons within the framework of the Programme of Action. However, it is also my delegation's belief that the Security Council should continue its involvement in this issue. Accordingly, we trust that the Council will remain seized of this matter and continue with the practice of having open debates on this important issue.

The President (*spoke in French*): I now call on the representative of Luxembourg.

Mr. Hoscheit (Luxembourg) (*spoke in French*): I have the honour to speak on behalf of the European Union. The candidate countries Bulgaria, Romania, Turkey and Croatia; the countries of the Stabilization and Association Process and potential candidates Albania, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

Three and a half years after the adoption of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, the European Union welcomes today's opportunity to address, under your presidency, Sir, the subject of the illicit flow of small arms and light weapons. The number of illicit small arms and light weapons in circulation, as well as the number of the victims of those weapons, remain unacceptably high.

The European Union also welcomes the opportunity to discuss the Secretary-General's most recent report on the initiatives undertaken to implement his recommendations concerning the ways in which the Security Council can contribute to the reduction of the illicit trade in small arms.

The European Union supports the Secretary-General's appeal to develop long-term strategies to halt the scourge of the illicit proliferation of small arms. The 2001 Programme of Action is one such strategy, and the European Union is actively working towards its implementation at the national, regional and global levels. The European Union underlines the importance of establishing a group of governmental experts soon after the 2006 Programme of Action Review Conference, in order to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

The European Union welcomes the recommendations of the High-level Panel on Threats, Challenges and Change, which recognizes the explicit need for States to accelerate and conclude negotiations on legally binding agreements on the marking, tracing, brokering and transfer of small arms, as well as to ensure transparency in the submission, on a yearly basis, of complete reports on all the elements of the Register of Conventional Arms.

The European Union has been a strong supporter of the Open-ended Working Group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. A great deal of progress has been made since the recommendation made by the Secretary-General in 2002 and since the adoption of General Assembly resolution 58/241.

The second session of the Open-ended Working Group was held two weeks ago in New York. The European Union and other States stated and confirmed their priorities with respect to the various issues — the

nature of the instrument, its scope and definition, the marking and tracing of small arms and ammunition, record-keeping and international cooperation. The European Union notes the progress made during those negotiations, although it deplores the fact that the participating States remain divided on the two major issues — the nature of the instrument and the inclusion of ammunition. Additional efforts are needed in that context.

The European Union recalls that it is working towards the adoption of a legally binding instrument on the identification and tracing of small arms and light weapons to supplement the United Nations Firearms Protocol. The European Union also stresses the need for the inclusion of provisions relating to ammunition. Indeed, illicit small arms depend on a steady supply of ammunition to continue wreaking havoc. If we can stem the flow of ammunition, we can make those weapons fall silent.

The European Union believes that the Security Council has an important role to play in tracing illicit small arms and light weapons and related ammunition. Peacekeeping missions and sanctions committees mandated by the Security Council should, as a matter of principle, be empowered to initiate tracing requests for illicit weapons and ammunition found in the course of their operations or collected in the context of disarmament, demobilization and reintegration programmes.

The European Union believes also that Interpol has an important part to play in the implementation of the future instrument on the identification and tracing of small arms and light weapons. The European Union calls for the conclusion of a cooperative agreement between the United Nations and Interpol addressing relevant legal and technical issues, with a view to enabling Interpol to fulfil that mandate.

Violations of Security Council arms embargoes contribute greatly to the spread of destruction and suffering in conflict areas and must be strongly condemned. The EU therefore supports the Secretary-General's recommendations on improved enforcement of Security Council sanctions, especially arms embargoes.

The European Union welcomes the recommendation made by Mr. Annan to pursue more vigorously and expeditiously the use of arms embargoes to countries or regions threatened by, engaged in or emerging from armed conflict, and to promote their effective implementation. Furthermore, the European Union supports the Secretary-General's recommendation that the Council be encouraged to establish monitoring mechanisms that would enable the detection of deliberate violations by Member States of United Nations arms embargoes.

All EU Member States are bound by the EU Code of Conduct on Arms Exports, which is a very comprehensive international arms export regime. It is aimed at improving the exchange of information among Member States and at enhancing mutual understanding of their export-control policies, including provisions on requirements relating to thoroughly checked end-user certificates, appropriate documentation or some form of official authorization issued by the country of final destination.

The EU fully supports Mr. Annan's recommendation in that area. The Code of Conduct has allowed our member States to set high common standards for the management of conventional arms transfers, and it is currently being renewed to enhance its effectiveness.

The European Union welcomes the efforts being made to build regional support for better control over small arms transfers. It welcomes also the important work being done in various forums to discuss and improve common standards for arms transfers at the national, regional and global levels. Such standards must be based on existing responsibilities under the relevant provisions of international law.

We support the efforts made by the Secretariat to encourage Member States to participate in the Register of Conventional Arms. The European Union reiterates its call on all States to submit timely returns of imports and exports to the Register, including information on military holdings and on procurement related to national production.

The European Union welcomes the emphasis on disarmament, demobilization and reintegration (DDR) programmes in post-conflict situations in the Secretary-General's report on small arms, and we note the increased focus by the Council on this issue. It agrees also that specific measures are needed for the collection and disposal of illicit or surplus small arms and light weapons in the context of the mandates of peacekeeping operations.

The European Union's Action Plan on Africa outlines the support that the European Security and Defence Policy can offer African peacekeeping capabilities, including providing relevant African organizations with "on call" teams able to plan and implement actions in the area of DDR and security sector reform. The EU is willing also to train military personnel and civilians to participate in DDR programmes, including aspects specific to the subject of child soldiers.

The European Union is determined to help other partners, with the common goal of moving matters forward. Through its joint action on combating the destabilizing accumulation and spread of small arms, the EU provides financial and technical assistance to countries, groups of countries and international and non-governmental organizations that request such support. Since 1999, through that joint action, we have taken 14 such actions in Eastern Europe, in Latin America and the Caribbean, in Asia and in Africa. The total sum committed so far is almost 13 million euros.

Among the priorities set by the Council, specific attention has been given to the destruction of existing stockpiles of small arms and to support for regional moratoriums in Africa. In that context, the European Council decided, on 2 December 2004, to give its fullest support to the efforts of the Economic Community of West African States to strengthen its moratorium and to replace it with a mandatory convention. In addition, 48.7 million euros were committed in 2003 alone, from the European Development Fund, to support small arms and light weapons projects in Africa. Through that fund, the EU is financing several programmes aimed at the demobilization and reintegration of former combatants into society and others geared to the collection and destruction of weapons.

In addition, the member States of the European Union contribute individually to many assistance projects and programmes aimed at controlling the illicit trading and use of small arms and light weapons, particularly in African countries.

While we have noted recent positive developments, may I conclude by calling for continued relentless efforts on the part of the international community as a whole to make the best possible use of existing and future instruments in order to put an end to the uncontrolled accumulation of illicit small arms and light weapons, so as to help prevent senseless violence in future.

For its part, the European Union will continue to work towards that goal by relying on international cooperation, financial and technical assistance programmes and effective arms control.

The President (*spoke in French*): I now call on the representative of Ukraine.

Mr. Kuchinsky (Ukraine): I wish to take this opportunity to express our appreciation to you, Mr. President, for holding this open debate on the question of small arms. I would also like to thank the Secretary-General for his substantive report (S/2005/69) on this issue, and to support the recommendations contained therein.

In our view, the United Nations Programme of Action on small arms, which was adopted in 2001, is the most comprehensive framework to deal with the illicit trade in small arms. The Programme is a significant, but only the first, big step towards achieving the goal of controlling that scourge. We hope that the follow-up process will find ways to strengthen and further develop the measures contained in the Programme.

Ukraine shares the view that efforts to combat the illicit trade in, and proliferation of, small arms and light weapons are greatly hampered by inadequate national, regional and international capacity to trace the sources and supply lines of illicit arms. While recognizing the vital importance of international cooperation, we believe that States bear the primary responsibility to solve the problems associated with the illicit trade in small arms and light weapons. States should make their best effort to ensure that the production, export, import, stockpiling, marking and transfer of small arms and light weapons, as well as record-keeping, are carried out in strict adherence to international and national laws and regulations.

We are of the view that each element in the tracing of illicit small arms and light weapons — marking, record-keeping and international cooperation — should remain a national prerogative. Any arrangement to be established or further strengthened by a new international instrument on tracing should not duplicate, complicate or diminish the effectiveness of existing mechanisms and arrangements, including customs cooperation and mutual legal assistance.

Ukraine fully supports the view that any new instrument should conform to the existing commitments of States under the relevant bilateral, regional and international arrangements and should fully reflect national security interests. Above all, we believe that a future instrument should be viable, effective and workable, so that it can enjoy the broadest possible support from the international community.

It is evident that promoting long-term conditions for development and security is impossible without the resolution of ongoing conflicts and the taking of adequate measures aimed at ensuring stability in post-conflict situations. The Council has made considerable progress in that regard. However, we still have some distance to cover in the areas of detailed monitoring and working with businesses, financial institutions and other actors on the implementation of arms embargoes.

The series of innovative measures taken by the Security Council to enhance compliance with arms embargoes, including by establishing independent panels of experts and monitoring mechanisms, has resulted in some positive outcomes. The problem nevertheless persists. We fully support the Council's consideration of action against States, entities and individuals that deliberately violate United Nations arms embargoes.

It is also important to review the lessons learned, in order to ensure the effectiveness of further measures that could be taken by the Security Council. It will be useful to focus on the financial sources used to purchase illegal weapons and to define the role that international organizations, business and financial institutions and other actors at the regional and local levels can play in implementing arms embargoes.

Ukraine would also like to propose some additional elements concerning illicit small arms and light weapons for further exploration as the issue is discussed: placing restrictions on the supply of ammunition to areas of instability; and destroying excessive old stockpiles of small arms and light weapons. Ukraine believes that the effective destruction of excessive old stockpiles of small arms and light weapons in affected countries may prove to be an important development.

In our view, the successful implementation of NATO's Partnership for Peace trust fund project in my country, which aims to destroy 1.5 million small arms and light weapons and 133,000 tons of ammunition, as well as future destruction programmes to be carried out in Ukraine under the Organization for Security and Cooperation in Europe (OSCE) Document on Stockpiles of Conventional Ammunition, will make a considerable contribution to international efforts in this area.

In conclusion, I would like to stress that Ukraine conducts a responsible policy in the field of arms control. Ukrainian legislation envisages strict measures to prevent the illegal manufacture, possession and trafficking of all types of armaments, including small arms and light weapons. A national export-control system provides for effective procedures for licensing imports and exports. Measures have also been taken to improve national legislation in this field. One of the latest steps was the adoption by the Government of Ukraine of a set of practical measures to implement the 2001 United Nations Programme of Action and the 2000 OSCE Document on Small Arms and Light Weapons.

Let me assure the Council that Ukraine will continue to play an active part in international efforts to combat the illicit trafficking in small arms and light weapons and to rein in their uncontrolled proliferation.

The President (*spoke in French*): I now call on the representative of Canada.

Mr. Laurin (Canada) (*spoke in French*): The Security Council has an important role to play in facilitating and enforcing international efforts to control the pervasive impact of the proliferation and misuse of small arms and light weapons. Canada is encouraged by the progress made in that regard, particularly the establishment of mechanisms to assess the implementation of sanctions regimes and the strengthening of arms embargoes. Nevertheless, this issue deserves the Council's sustained attention, given that small arms and light weapons continue to threaten international peace and security.

This debate provides an invaluable opportunity to recognize the progress that has been made, to consider lessons learned and, most important, to renew efforts to focus on the many aspects of the small arms issue. The Secretary-General's report (S/2005/69) will be useful in guiding our future efforts, especially given its recommendations on how the Council could usefully contribute to combating the illicit trade in small arms in all its aspects.

Compliance with arms embargoes and sanctions regimes is central to international peace and security. We urge the Council to continue aggressive implementation and monitoring of these regimes, and welcome its engagement with regional initiatives, such as the Nairobi Declaration and the Economic Community of West African States moratorium.

Canada encourages the Council to utilize such tools as reports and recommendations from monitoring groups and expert panels to ensure greater transparency and cooperation with sanctions regimes. We urge the Council to support the recommendations made by high-level and monitoring groups on the need to address gaps in legislation on brokering and to strengthen transfer controls. The Council must call on Member States to exercise the highest degree of responsibility in the transfer of small arms. An effective global response to small arms must address control of transfers between States as well as transfers to non-State actors.

The establishment of an international instrument on the identification and tracing of small arms and light weapons would also help the Council in its efforts to enforce arms embargoes and to control the illicit trade in order to ensure the protection of civilians. Canada is committed to seeing a successful conclusion of these negotiations and we welcome the High-level Panel's recommendation of a legally binding instrument.

We urge the Council to consider its role in improving international cooperation with respect to tracing small arms in conflict and post-conflict settings. Peacekeeping operations and sanctions committees should receive the appropriate mandates to initiate traces that will assist States to identify those who knowingly violate arms embargoes. Furthermore, we encourage the Council to consider increased cooperation with the International Criminal Police Organization in order to improve identification of diversion points in the trade of small arms.

(*spoke in English*)

Small arms proliferation must be considered as part of the broader context of international peace and human security, including initiatives to strengthen peacebuilding and conflict-prevention efforts. Those weapons continue to interfere with conflict prevention measures, undermine the provision of humanitarian assistance, exacerbate armed conflict and insecurity, threaten security in refugee camps, and frustrate the sustainability of peace processes and peacebuilding efforts.

Increased interaction between the Council and the General Assembly would allow for creative approaches to the small arms issue from a broader peacebuilding and human security perspective. Canada supports further cooperation between the two organs to develop and implement immediate and long-term strategies. Greater results will be achieved through more decisive and substantive action by both bodies.

The Security Council, through such resolutions as 1521 (2003) on Liberia and 1533 (2004) on the Democratic Republic of the Congo, has recognized and made efforts to address the link between the illicit trade in small arms and the illicit exploitation of natural and other resources. Canada urges the Security Council to take stronger measures — including the enforcement and monitoring of targeted sanctions — to break the cycle between arms shipments though illicit channels and the exploitation of natural resources.

Canada welcomes progress made to date on the inclusion of disarmament, demobilization and reintegration (DDR) planning in integrated peacekeeping missions, as well as the development of policies, guidelines and procedures for the planning and implementation of DDR in a peacekeeping context. We urge the Council to adopt comprehensive and regional approaches to DDR, to include those approaches in the mandates of peacekeeping operations, to provide financing for DDR under the budget for peacekeeping operations, and to give due consideration to reintegration to ensure sustainable socio-economic development.

We call for a continued emphasis on the parallel implementation of community development and DDR programmes, taking into account all members of the community — men, women, boys and girls — and to include strategies for children affected by armed conflict. In line with our obligations under resolution 1325 (2000) on women, peace and security, Canada urgently calls for the full and equal participation of women in the design and implementation of all DDR programmes and activities, as actions and decisions on DDR have a direct and specific impact on the lives of women and on the possibilities of achieving sustainable peace.

It is Canada's view that the international community has fallen short on commitments to make people and their communities safer from armed violence. This is a devastating situation with real and lingering impact that continues to undermine international efforts to establish peaceful and secure environments where humanitarian and development initiatives can take root and yield results. Our collective responsibility is to take meaningful action that will result in improved and safer lives for girls, boys, men and women in all regions of the world. Now is the time for action. The next 18 months hold important opportunities for concerted action against the easy availability and misuse of small arms. The July 2005 Biennial Meeting of States and the 2006 review conference on the United Nations Programme of Action provide platforms to evaluate our success and, more importantly, to determine the way forward.

It is imperative to ensure that a more comprehensive approach to the small arms issue be pursued at the 2005 and 2006 meetings. Aspects of the issue that were neglected in the 2001 Programme of Action must receive adequate attention, including those related to the human and humanitarian impact of small arms.

The challenge now for the Council and Member States, alongside their partners in international organizations and civil society, is to replace words with action and to deliver on this urgent agenda. The problem is complex, but the solution is not beyond our reach. We have the means to take constructive action to achieve our common goals. We should do so now.

The President (*spoke in French*): I now call on the representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): Switzerland would like to thank Benin for convening this open debate of the Security Council on small arms and light weapons.

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects states that Governments bear the primary responsibility to combat the illicit trade in small arms and light weapons. However, in order to become fully effective, the efforts of Governments should be supported and complemented by multilateral organizations, and the Security Council has thus a clear role to play.

In his report of 20 September 2002, the Secretary-General included a set of recommendations on ways and means whereby the Security Council could contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration. Those recommendations are still valid. The most recent report of the Secretary-General on the initiatives undertaken to implement those recommendations shows that important progress has been made in several key areas.

I would like to take this opportunity to focus on a few aspects where Switzerland sees a concrete role for the Security Council.

First, it is our view that the Security Council should include in all peacekeeping mandates the requirement to gather information, including on weapons markings, on all small arms and light weapons that are collected or seized in the context of those missions, including disarmament, demobilization and reintegration (DDR) programmes. The Council should also enable peacekeeping operations to initiate tracing requests in relation to those weapons. To accomplish these additional tasks within the framework of peacekeeping operations and DDR programmes, the necessary resources have to be included in the regular peacekeeping budget.

Secondly, compliance with arms embargoes and sanctions regimes is crucial. Switzerland is of the view that the enforcement of arms embargoes could be greatly improved by providing peacekeeping operations and sanctions committees with a mandate to initiate tracing requests with regard to illicit weapons found in the course of their investigations. This could contribute to identifying networks that illicitly supply weapons and materiel under embargo.

In this context, two measures should be encouraged. First, it would be good to have training for United Nations staff deployed to countries under arms embargoes on the monitoring of such embargoes and on related aspects, such as the collection of baseline data on and the identification of seized weapons. The second recommendation is that there should be increased cooperation between the United Nations and relevant international organizations, such as the World Customs Organization and the International Civil Aviation Organization.

Thirdly, Switzerland is convinced that close cooperation between the United Nations and Interpol is

of crucial importance for the efficient identification and tracing of illicit small arms and light weapons. Ties with Interpol could be strengthened by assigning a law enforcement component to peacekeeping operations and sanction committees that have the competence to interact with Interpol, including their access to all Interpol databases relevant to the tracing of illicit small arms and light weapons. Furthermore, Switzerland calls for the conclusion of a cooperative agreement between the Security Council and Interpol that could serve as a framework for cooperation in the field of tracing illicit small arms and light weapons. That cooperation agreement could be complemented by a protocol covering the technical details on a case-by-case basis. The existing Memorandum of Understanding between Interpol and the United Nations Interim Administration Mission in Kosovo on cooperation in crime prevention and criminal justice might serve as an example for that purpose. We are of the view that the presidential statement to be adopted at the end of today's debate would gain from mentioning the need for increased cooperation with Interpol in tracing small arms and light weapons.

Fourthly, it has been clearly established that the illicit exploitation of natural resources constitutes one of the privileged sources of financing fuelling the illicit trade in small arms. We are starting to profit from accrued experience in the field of controlling the illicit exploitation of natural resources, in particular through the Kimberley process. Switzerland suggests formalizing the panels of experts so that they can contribute more substantially to the work of the Council and thus allow it to identify minimum norms and standards that would guide the exploitation of natural resources in conflict zones.

We invite the Security Council to ask the Secretary-General for a specific report on the exploitation of illicit natural resources in conflict situations, including its links with the illicit trade in small arms and light weapons. Furthermore, we think that a more integrated approach to the question of small arms and light weapons would benefit from solid research and support in civil society. In this context, we recall the studies made by the Geneva-based Small Arms Survey, and we inform Security Council members that its annual publication this year will be devoted precisely to the role of small arms and light weapons in current conflicts.

In closing, Sir, let me recall — as a member of the Human Security Network — the urgent need to take concerted action to combat the devastating humanitarian effects of the illicit trade in small arms and light weapons. The uncontrolled proliferation and misuse of these arms remain a major cause of human suffering around the world, and they represent a serious threat to human security. Only if the Security Council, Member States and civil society join in their efforts will we reach our goal of making each and every person and their respective communities safer.

The President (*spoke in French*): I now call on the representative of Mexico.

Mr. Berruga (Mexico) (*spoke in Spanish*): Mr. President, my delegation would like to thank you for convening this public meeting, and we would like to thank the Secretary-General for his report to the Council on the ways it could help resolve the matter of illicit trafficking in small arms and light weapons. I would also like to express our appreciation to the Under-Secretary-General for Disarmament Affairs, Mr. Nobuyasu Abe, for introducing the report to us.

Since 1999, in parallel with the preparatory process for the Conference to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was held in July 2001, the Security Council has been engaged in taking up the issue of proliferation of such arms, particularly in the context of conflict situations that are on its agenda.

The illicit manufacture of and trafficking in small arms and light weapons is a multidimensional problem. It encourages organized crime; it promotes a culture of violence; it prolongs and worsens conflicts that take an unacceptable number of civilian victims, primarily women and children. Thus a comprehensive strategy is needed to control and eradicate that situation.

It is necessary to join efforts in combating the illicit trafficking in and production of small arms and light weapons, and the producing and exporting countries must recognize that they have a primary responsibility. Mexico participates in all regional and international efforts to eliminate the illicit trade in and manufacture of small arms and light weapons. Accordingly, my country is party to the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials, adopted by the Organization

of American States in 1997. Mexico is also party to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

In reviewing the progress made in implementing the 12 recommendations mentioned in the presidential statement of October 2002 (*S/PRST/2002/30*), the Secretary-General describes various activities undertaken in this area. He highlights the fact that the Working Group has now started negotiating an instrument to enable States to trace illicit small arms and light weapons in a timely and reliable way. During the Working Group's recent second session the Mexican delegation reiterated its belief that a legally binding instrument is needed, not simply to ensure that it is effective as we move towards our goal, but also because that would set a positive precedent for later negotiations on other issues relating to small arms and light weapons in the United Nations.

The Secretary-General also refers to the need to redouble efforts to apply other recommendations, such as increasing interaction in this area between the Security Council and the General Assembly. We believe such interaction to be essential in taking a comprehensive approach to dealing with this phenomenon.

Mexico believes that we should focus more closely on the issue of brokers. They are referred to in passing in the Programme of Action, but their activities must be subject to strict controls. The most recent estimates show that brokers play a critical role in the trade in small arms and light weapons. The lack of attention paid to illegal actions by such individuals derives to a large extent from gaps in national and international regulation.

My country therefore believes that one fundamental element in controlling the illicit trade in small arms and light weapons would be to negotiate a legal instrument regulating the transfer of such arms. The main manufacturers and exporters must be subject to precise rules that would prevent the transfer of small arms and light weapons that could be diverted onto the illegal track or that could fall into the hands of criminal gangs and those who violate international law. Such provisions would have to be applied with no negative impact on lawful transfers that enable countries to exercise their legitimate right to self-defence, as set out in Article 51 of the Charter.

One of the several measures that we consider important is ensuring that all lawful arms transfers to be accompanied by end-users certificates, in accordance with the Secretary-General's recommendation 9.

Another matter of particular importance for my country is the need to regulate the possession by civilians of small arms and light weapons. Mexico expressed this concern during the 2001 United Nations Conference on the illicit trade in small arms. My country believes that a discussion of this matter at the international level would enable States to share their experiences in effectively controlling civilian ownership of weapons.

Mexico attaches great importance to the work of the Security Council on this matter. We believe that it should join with other United Nations organs and relevant regional, subregional and international bodies in working to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

It is clear from the report of the Secretary-General that the international community, in particular the Security Council, has taken steps that demonstrate its commitment to tackle this problem. But we still need new instruments and strategies to enable us effectively and completely to eradicate the illicit manufacture of and traffic in small arms and light weapons. We hope that this meeting will prompt the undertaking of commitments that have been postponed for too long.

The President (*spoke in French*): The next speaker is representative of Peru, to whom I give the floor.

Mr. De Rivero (Peru) (*spoke in Spanish*): My delegation would like to thank you, Mr. President, for having convened this open Security Council debate to take up once again an issue of crucial importance for the international community: the illicit traffic in small arms and light weapons.

Small arms and light weapons are now central to all civil wars and armed violence throughout the world. They have very particular characteristics: they are small; they do not weigh much; they do not cost much. That makes them very easy to transport and to use: with minimum training, even a child can use them — and, indeed, children do use them. Furthermore, these weapons are easy to hide, and it is very difficult to monitor the trade in them or trace them to their final

destination. Many of them are exported legally, but then enter the illicit market, and today they are the main source of income for armed gangs and other criminals, including mercenaries and terrorist groups.

The illicit traffic in such arms is becoming an ever greater threat to international security in this century. In the past 15 years, small arms have been used in more than 90 per cent of civil conflicts, and they are responsible for most weapons-related deaths that take place throughout the world — more than half a million every year.

Despite the fact that, since the Second World War, small arms and light weapons have proved far more lethal than heavy weapons and weapons of mass destruction, the United Nations, since its establishment, has paradoxically focused on developing international arms control regimes for nuclear, chemical and biological weapons. That is, of course, extremely important. But it is really a paradox that we do not yet have an international treaty to regulate the arms that have caused most weapons-related deaths since the Second World War, and that continue to kill.

Although we have made progress on the basis of the Programme of Action adopted in 2001, the fact that it is not legally binding at the international level means that we are still a long way from genuine, effective solutions, as there are no mechanisms for verification or for punishing non-compliance.

That is why it is encouraging now to see the Security Council's growing interest in this problem, which affects human security in every continent. We believe that, in order to combat the illicit traffic in small arms and light weapons, the Security Council should support the recommendations contained in the Secretary-General's report (S/2005/69). Last year, when speaking on this same issue at the 4896th meeting, I put forward a detailed list of actions that needed to be taken. Today, I shall confine myself to reiterating two that I consider to be the most important.

First, the Security Council must establish concrete mechanisms to make States comply with arms embargoes. Provision should be made for enforcement measures against Member States that violate such embargoes, with monitoring mechanisms to ensure compliance. An effective tracking system would enable us to combat the improper use of small arms from the moment of their manufacture until they reach the end-user. That would make it possible to prosecute individuals and to hold Governments accountable for illegal sales and for violations of United Nations embargoes.

Secondly, the Security Council must include in peacekeeping mandates provisions relating to the disarmament, demobilization and reintegration of former combatants. The focus should be on collecting and destroying surplus small arms and light weapons so as to prevent the illicit traffic in arms that could cause fresh conflict and violence unrelated to the conflict. Such actions must be closely related to a necessary increase in financial resources for disarmament programmes in the context of peacekeeping operations.

My country participates in all ongoing initiatives to prevent and combat illicit army trafficking. We submitted our national report pursuant to the 2001 Programme of Action. We also took part in drafting the Andean Plan to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. We also participated in the most recent Biennial Meeting on the Programme of Action, which took place here in New York. We supported — and will continue to support — every initiative that can enable us to move ahead on this issue.

The best thing that the Security Council could do now would be to lend its full support to the Working Group that is negotiating an international legal instrument to enable States to identify and trace, in a timely and reliable manner, small arms and light weapons. We hope that the Working Group, which has just concluded its second session, will complete its work by July 2005.

Although it is true that a legal instrument alone will not guarantee an end to the multimillion-dollar business represented by the numerous traffickers of illicit small arms and light weapons, such an instrument would undoubtedly be major progress, a point of departure, that would enable us to improve a situation that is clearly a new threat to international peace and security in this century. For Peru, an instrument that helps to identify and trace the illicit trade in small arms and light weapons should be legally binding and should cover ammunition and explosives, which are part of this category of weapons.

The President (*spoke in French*): I now call on the representative of Egypt.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): We should like to congratulate you, Sir, and your friendly country, Benin, on your assumption of the presidency of the Security Council for this month. We congratulate you also on your initiative to hold this debate on an issue that affects the present and future of our African continent and of its peoples, thousands of whom fall victim to wars and conflicts that are exacerbated by the illicit trade in small arms and light weapons. We also express our appreciation to the Secretary-General for his report (S/2005/69), which follows up on the recommendations in his 2002 report on small arms and light weapons (*S/2002/1053*).

The General Assembly has made progress in considering and developing the conceptual framework of its approach to the illicit trade in small arms and light weapons by adopting a number of resolutions and by establishing several expert groups. That has led to the holding of the United Nations conference on small arms, which in turn led to the establishment of the political framework governing the United Nations approach to small arms, reflected in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The delegation of Egypt looks forward to contributing to the implementation of international commitments under the Programme of Action by participating in the Second Biennial Meeting in 2005 and in the 2006 review conference.

The General Assembly's efforts to establish the conceptual framework by which the United Nations can address the illicit trade in small arms and light weapons were accompanied by a great effort on the part of the Security Council to carry out its role and responsibility to confront the new challenges to peace and security by addressing the issues involved and developing the means necessary to do so. Hence, the Council's recognition of the gravity of the illicit trade in and spread of small arms and light weapons and of the humanitarian consequences in many regions, particularly Africa.

In that context, the Security Council's principal activities related to the illicit trade in small arms and light weapons are based on two main elements. The first is reflected in the imposition of arms embargoes in conflict areas. The delegation of Egypt supports the Secretary-General's recommendation urging the Council to attach greater importance to the implementation of all provisions of resolutions that impose arms embargoes on regions or countries involved in or threatened by armed conflict, in accordance with the provisions of the United Nations Charter and in the light of the need to undertake measures against countries that violate those embargoes. We also support the Secretary-General's recommendation that the links between the illicit trade in small arms and light weapons and the illicit exploitation of natural wealth and resources be considered and identified. In addition, we stress the importance of tracing the monetary transactions related to that area.

The second element of the Security Council's activities is related to the mandates of peacekeeping operations and the clear provisions on disarmament, demobilization and reintegration (DDR) programmes through specific measures to collect and eliminate excess stocks of illicit small arms and light weapons within a comprehensive framework allowing for a factual assessment of peacekeeping operations once they have concluded. In that regard, we should like to highlight the importance of peacekeeping operations considering how the United Nations could promote efforts related to DDR programmes and providing special allocations from peacekeeping operations budget for that purpose. We also emphasize the importance of continuity in providing the financing needed to prevent the outbreak of conflict anew, including in providing the necessary financial means through the international financial institutions, relief organizations and humanitarian and development efforts in conflict areas.

In that connection, we support the Secretary-General's proposal to improve the exchange of information between the Security Council and the General Assembly by coordinating the strategies of both entities in the area of small arms and light weapons, taking into account the distinction between the mandate and role of the Security Council, on the one hand, and the more comprehensive role of the General Assembly, on the other. We believe that the establishment of a committee to oversee that effort as proposed by the Secretary-General, despite its great importance, should be preceded by the steps necessary to achieve the required transparency in the work of the Security Council committees on arms embargoes against particular regions.

As it plays its important role in the area of small arms and light weapons in carrying out its

responsibility to maintain international peace and security under Article 24 of the Charter, the Security Council should also play a parallel role by enabling countries — particularly peoples under foreign occupation — to exercise their natural rights, individually or collectively, to self-determination.

Finally, we wish to reaffirm the importance of commitment by all parties in the international community to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, including an effective international instrument that would enable States to identify and trace small arms and light weapons and would guarantee the participation of influential countries in carrying out its provisions. That would also be an essential contribution to achieving and affirming the political commitment of the international community in dealing with this issue.

The President (*spoke in French*): As there are still a number of speakers inscribed on my list, and in view of the lateness of the hour, I propose, with the concurrence of members of the Council, to suspend the meeting until 3.15 p.m.

The meeting was suspended at 1.20 p.m.

United Nations S/PV.5127 (Resumption 1)

Security Council

Sixtieth year

Provisional

5127th meeting

Thursday, 17 February 2005, 3.15 p.m.
New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. El Hadj Ali
	Argentina	Mr. Garcia Moritan
	Brazil	Mrs. Maierá
	China	Mr. Li Song
	Denmark	Mrs. Machon
	France	Mr. Journès
	Greece	Mr. Andreades
	Japan	Mr. Omura
	Philippines	Ms. Taguiang
	Romania	Ms. Mihu
	Russian Federation	Mr. Smirnov
	United Kingdom of Great Britain and Northern Ireland	Mr. Bye
	United Republic of Tanzania	Mr. Salaita
	United States of America	Mr. Olson

Agenda

Small arms

Report of the Secretary-General on small arms (S/2005/69)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-24256 (E)

The meeting was resumed at 3.25 p.m.

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Mali in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Diarra (Mali) took the seat reserved for him at the side of the Council Chamber.

The President (*spoke in French*): I wish to remind all speakers of what I indicated at this morning's meeting, that is, that they should limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

Also, I will not individually invite speakers to take seats at the table or invite them to resume their seats at the side of the Chamber. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the table.

I thank representatives for their understanding and cooperation.

The next speaker on my list is the representative of Australia, to whom I give the floor.

Mr. Dauth (Australia): Mr. President, it is a pleasure to be here under your watch. Forgive me, I had understood that the Council was resuming at 3 p.m., not 3.30 p.m.; I apologize for having got that time wrong.

Let me say also that I was somewhat disappointed not to have been able to speak before lunch. I had thought that those of us who were prepared to give statements within the prescribed limits should be rewarded, not punished. So I gave some thought over lunch to expanding my three-minute statement from three minutes to 30 minutes, to see how that would fly. But out of concern for my reputation — which I hope is well established — for giving very short statements and out of my deep affection for you, Mr. President, I will stick to the three-minute version.

Australia welcomes the Council's ongoing consideration of small arms and light weapons issues. The Secretary-General's latest report is a solid assessment of the Council's efforts over the past 12 months to address small arms issues within its mandate, highlighting achievements and gaps. We urge the Council to continue actively considering the security and humanitarian dimensions of the illicit small arms trade and their impact on stability in conflict and post-conflict situations.

In particular, when imposing United Nations arms embargoes and establishing United Nations peacekeeping operations, the Council must be attuned to the impact of illicit small arms transfers. The Council's continued attention to small arms issues, particularly in the regional context, will strengthen the international community's resolve to increase pressure, through embargoes and monitoring mechanisms, on those responsible for illicit transfers.

The Council cannot work on its own, alone, of course, in addressing the small arms threat. It is highly incumbent on Member States themselves to strictly enforce United Nations arms embargoes and to implement strong national export controls, including systems of end-user certification, to prevent the uncontrolled spread of small arms.

Australia has been active in promoting effective measures against the illicit small arms trade in our region, including by co-hosting, in August 2004, with the Governments of Fiji and of Japan and the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, the Third Pacific Islands Small Arms Workshop. The Workshop's practical focus on the implementation of model weapons control legislation endorsed by Pacific Island Forum leaders in 2003 is helping materially to institute a common regional approach to weapon control. The Workshop also promoted regional adherence to the United Nations Programme of Action.

At the fifty-ninth session of the General Assembly, Australia led the adoption by consensus in the First Committee of a new resolution on preventing the illicit transfer of, unauthorized access to and the use of Man-Portable Air Defence Systems (MANPADS), creating the first international standard

on MANPADS. Australia urges Member States to implement the resolution by taking practical measures to control the production, stockpiling, transfer and brokering of MANPADS, and to enact or improve legislation to ban the transfer of MANPADS to non-State actors.

Australia welcomes recent progress at the second session of the open-ended working group on the marking and tracing of small arms and light weapons and looks forward to the conclusion of an international instrument at the final session in July. A marking and tracing instrument will be a further concrete step in international efforts to better understand and control illicit transfers. Australia encourages Member States to take a pragmatic approach to the final round of negotiations to construct an instrument that is credible and implementable.

The President (*spoke in French*): I thank the representative of Australia for the kind words he addressed to me.

The next speaker on my list is the representative of Nigeria, to whom I give the floor.

Mr. Wali (Nigeria): I wish to thank you, Mr. President, on behalf of the Nigerian delegation for your initiative in organizing this important debate. It affords the Security Council an excellent opportunity to address the global threat of illicit arms trafficking. We look forward to a successful and fruitful conclusion of the debate under your able guidance. My delegation also wishes to thank the Secretary-General for his report on small arms.

Illicit trafficking in small arms and light weapons constitutes a major impediment to peace, stability, security and economic development in many developing countries, especially in Africa. Over the past decade alone, the use of illicit small arms and light weapons has caused more than 20 million victims in Africa, many of whom were civilians — women and children. An estimated 2 million children have been killed, 5 million people have been handicapped, 12 million have been left without shelter and as many as 17 million have either been displaced or become refugees. Indeed, in Africa, the ever-expanding illicit trade in small arms is thriving at the expense of the continent's youth. As a consequence, a whole generation of African children is being inducted into a culture of violence marked by injury and violent death.

The Government of Nigeria therefore welcomes all of the efforts made by the international community to tackle this problem. Let me re-emphasize the importance of the early and full implementation of the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects. In doing so, I wish to underline Nigeria's commitment to the December 2000 Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. It is noteworthy that the positions expressed in the Declaration continue to be validated by events unfolding around the world.

Nigeria views as a positive development the conclusion, two weeks ago, of the second substantive session of the Open-ended Working Group mandated to negotiate an international instrument on tracing illicit small arms and light weapons. It is our expectation that the Group's final session in June will result in a firm agreement on a legally binding instrument that will address global concerns on that important matter. That is the only way that the international community can demonstrate a true commitment to this problem. Indeed, we believe that such an outcome will have a positive impact on the forthcoming Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which is to take place in July, as well as on the review conference on the Programme of Action that is to be held next year.

One of the greatest difficulties in controlling the illicit proliferation of small arms is their easy accessibility to non-State actors. In appreciation of that problem and of the need for concerted action, President Olusegun Obasanjo of Nigeria has, in clear terms and in various forums, including the General Assembly, drawn attention to the need for global action to control the trade in small arms and light weapons. We believe that the failure of the international community to hold arms manufacturers, their agents and brokers to account has been largely responsible for the uncontrolled illicit proliferation of small arms and light weapons in Africa, with its attendant consequences on the continent. That situation should not be allowed to continue.

Four months ago, in the First Committee of the General Assembly, the Nigerian delegation called on

the international community to intensify efforts to investigate and identify the link between the illicit trade in small arms and light weapons and the illicit exploitation of natural and other resources, particularly those of affected countries in Africa. We are therefore pleased to see that that was one of the recommendations contained in the Secretary-General's report (S/2005/69). However, we urge the Security Council to ensure the full implementation of the findings and recommendations of its panels of experts and monitoring mechanisms that have so far investigated such links.

Nigeria shares the view of the Secretary-General that the failure of disarmament, demobilization and reintegration programmes in many post-conflict situations is due principally to the non-inclusion of such programmes in ceasefire agreements and in the mandates and budgets of United Nations peacekeeping operations. We therefore urge the Council to ensure a secure funding basis from the assessed budget for peacekeeping that would guarantee the return of ex-combatants to their communities under planned reintegration activities, as required by Security Council resolutions. That should include specific measures for the collection and disposal of illicit and surplus arms.

In addressing the threat posed by illicit small arms trafficking, there is a need to enhance cooperation between the Department of Peacekeeping Operations, on the one hand, and the Department for Disarmament Affairs, on the other. We believe that strengthening the role of the Coordinating Action on Small Arms mechanism would lead towards that goal.

The President (*spoke in French*): I thank the representative of Nigeria for the kind words he addressed to me.

I now call on the representative of Senegal.

Mr. Niang (Senegal) (*spoke in French*): I would like to say how pleased my delegation is, Sir, to see you presiding over the work of the Security Council this month. We also wish to congratulate you very warmly on your commendable initiative to hold an open debate on the subject of small arms. We would also like to thank Mr. Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, for his very relevant presentation this morning.

Never in the history of humankind has the world suffered so much from the horrors of the proliferation of, and illicit trafficking in, small arms and light weapons. Easy to use, durable and easily available on the black market, such weapons — whose number is now estimated to be over 500 million — due to the lack of an adequate constraint mechanism, easily make their way into illicit trafficking, fuelling conflict, perpetuating crime and fostering mercenary activities. It has been estimated that, from 1990 to 2001 alone, such weapons resulted in the deaths of more than 4 million innocent people, mostly women and children, and caused massive population displacements, condemning people to live in itinerant poverty, in grave violation of international humanitarian law.

The lethal character of these weapons has sadly been proved in West Africa, where they have been recycled from conflict to conflict by death merchants whose activities have increased the fragility of the economic and social fabric of the States in which they operate. It is for that reason that the Economic Community of West African States (ECOWAS) deems the fight against the illicit trade in small arms and light weapons to be one of the fundamental priorities of its common policy. That is also the reason why we established a moratorium on the manufacture, import and export of small arms. As mentioned in the report (S/2005/69) of the Secretary-General, with the cooperation of the United Nations Development Programme and the Programme for Coordination and Assistance for Security and Development, the States of the subregion have mobilized themselves to transform the moratorium into a legally binding instrument. In that connection, I continue to believe that ECOWAS will be able to count on the ongoing support of all its partners, foremost among which is the United Nations.

My delegation believes that, once adopted by ECOWAS, such an instrument will serve as a strong subregional pillar in the legal architecture on small arms that the international community must establish. Senegal therefore voices the ardent desire, shared by the majority of States, for a successful conclusion, as soon as possible, to the international negotiations on two binding legal instruments in the sensitive areas of the tracing of, and brokering in, small arms and light weapons. Were they to be concluded, those two instruments would address the concerns underlying several of the Secretary-General's 12 recommendations. Here, I would mention recommendations 1 and 2, on tracing; recommendation 6, on the links between the illicit trafficking in weapons and the illegal

exploitation of resources; recommendation 9, on the export and transfer of small arms; and recommendation 12, on transparency in armaments.

Beyond those, my country supports all the relevant proposals made in the report of the Secretary-General, which include two proposals that have particularly drawn Senegal's interest. The first, which pertains to the regional and subregional aspect of the problem, entails the establishment and implementation of disarmament, demobilization and reintegration (DDR) programmes while at the same time ensuring that doing so does not suffer as a result of insufficient resources. My country would therefore like to see a line item on DDR programmes as part of the peacekeeping operations budget. The second point pertains to scrupulously observing Security Council arms embargoes. However, my delegation believes that here there must be a clear mechanism to detect violations and punish violators.

Furthermore, my delegation would have been even more satisfied with the excellent report introduced today if its recommendations had included an item on cooperation to strengthen capacity-building in combating the illicit trade in small arms and light weapons in countries and regions suffering from this scourge, as well as to address the limited financial and human resources available for that task.

The proposals for action to which I have referred should be implemented as soon as possible, in order to quickly defeat this multinational criminal enterprise that has been wiping out innocent lives and to hasten the dawn of a world that is more prosperous by virtue of being safer and more peaceful.

The President (*spoke in French*): I thank the representative of Senegal for the kind words he addressed to me.

I now call on the representative of Venezuela.

Mrs. Núñez de Odremán (Venezuela) (*spoke in Spanish*): On behalf of the delegation of Venezuela, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council.

The Government of the Bolivarian Republic of Venezuela considers that the issue of small arms and light weapons is of the utmost importance. We are as concerned about it as all the other members of the international community. We believe that the indiscriminate and illicit use of such weapons and their unbridled proliferation are increasing insecurity.

We stress the need for effective efforts to resolve the problem of small arms and light weapons through administrative measures and legislation, and we call on manufacturers and on the nations possessing the largest arsenals to make significant reductions in the production of and trade in conventional weapons — which constitute the main source of the illicit trade in small arms and light weapons.

All of this is linked to the public harm caused by the trade in those weapons, in addition to its ties to such criminal activities as organized crime, drug trafficking and terrorism. However, that must not undermine the right of self-determination, taking into account the special situation of peoples that have been subjected to colonial domination or other forms of domination and foreign occupation, and recognizing the right of those peoples to adopt legitimate measures to ensure their inalienable right to self-determination, as noted in the report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

In that regard, we agree with the recommendations outlined by the Secretary-General in his report, in particular recommendation 1 on the negotiations being pursued in the Open-ended Working Group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, pursuant to General Assembly resolution 58/241.

We also agree that States are endowed with the right to manufacture, import and stockpile small arms and light weapons to meet their legitimate defence and security needs. We believe that such operations represent the sovereign right of nations to equip themselves. In that respect, we believe it appropriate in this forum to denounce the uncertainty expressed by spokesmen of the Department of State of the United States of America regarding the purchase of Russian equipment by my Government. We wish to make it clear that the purchase and provision of equipment to our national armed forces serve two purposes: to support the civil population and to defend the national sovereignty.

We categorically reject the statements made by the spokesmen of the United States Department of State to the effect that the weapons purchased by my

Government could fall into the hands of international criminals. Those statements are exaggerated, tendentious and aimed at persuading international public opinion that the Bolivarian Republic of Venezuela is a country that shelters criminals and terrorists, and not a sovereign State endowed with the legitimate right to defend itself and to purchase any weapons it deems necessary to maintain its territorial integrity and to defend its sovereignty.

Reiterating the comments made by the President of the Bolivarian Republic of Venezuela, Mr. Hugo Chávez Frías, we also believe that the United States has no authority to question the purchase of equipment and we urge it not to intervene in the internal affairs and to respect the sovereignty of States. We also ask the Council to remain vigilant for any measure aimed against the Bolivarian Republic of Venezuela.

The Government of the Bolivarian Republic of Venezuela is complying with and implementing measures established under the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. In that regard, I note here in the Security Council that Venezuela submitted its national report last year.

Regionally, we have complied with the norms established under the Inter-American Convention Against the Illicit Manufacture and Trafficking in Weapons, Munitions, Explosives and Related Materials, adopted by the Organization of American States. We also participated in the meeting in South Africa of the group of experts mandated with drafting the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects, and we are signatory to the Quirama Declaration on that issue.

The President (*spoke in French*): I thank the representative of Venezuela for her kind words addressed to me.

I now call on the representative of Turkey.

Mr. İlkin (Turkey): At the outset, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council and to express our appreciation for the convening of this important open debate on an issue that greatly affects us all.

I would like to thank the Secretary-General for his report, as well as Mr. Abe for his excellent introduction of it. The report indicates that important progress has been made in various fields of concern, though there is still much to do.

Turkey has already aligned itself with the statement made by the representative of Luxembourg on behalf of the European Union. I will therefore briefly expound on a certain aspect of the issue of small arms.

Today, we all recognize that the excessive accumulation and uncontrolled spread of small arms and light weapons pose a significant threat to international peace and security, as well as to the social development of many countries. The issue is not merely about arms control and disarmament. It has many aspects, including humanitarian issues, organized crime and terrorism. The threat weighs no less than that of weapons of mass destruction and requires concerted and resolute action by all United Nations Members.

We took a significant step forward with the adoption in 2001 of the United Nations Programme of Action, which still stands as the only globally recognized framework. Yet, there is no international legal instrument for dealing with the illicit trade in small arms and light weapons.

In that context, I would like to underscore the importance of the work of the Open-ended Working Group, which is currently negotiating an international instrument on the marking and tracing of small arms and light weapons. Turkey hopes that the instrument to be agreed will contain all of the elements needed to guarantee its effectiveness. That can be achieved if our efforts lead to an instrument which has a legally binding and comprehensive nature covering all kinds of such weapons, including their ammunition. We therefore call upon all United Nations Members to take firm and resolute action to curb that global scourge.

The illicit proliferation of small arms requires the development of long-term strategies. In that respect, we also acknowledge the role of the Security Council in making small arms a focus of global attention and action. Turkey will continue to support all efforts and to advocate enhanced international cooperation to combat and eradicate the illicit trade in small and light weapons in the framework of the United Nations and in other forums.

The President (*spoke in French*): I thank the representative of Turkey for his kind words addressed to me.

I now call on the representative of Indonesia.

Mr. Jenie (Indonesia): My delegation is gratified that, once again, the Security Council is meeting in an open format to discuss the multifaceted challenges posed by small arms and light weapons, which involve security, humanitarian and development dimensions. In that regard, I would like to thank Under-Secretary-General Abe for introducing the report as the basis of our discussion.

As is widely acknowledged, in many regions of the world, the excessive availability and misuse of small arms and light weapons have led to violent conflicts, unabated crime and gross violations of human rights, which have contributed to immense suffering and a pervasive sense of insecurity. Over 500,000 people continue to be killed each year and millions more are wounded by small arms and light weapons. The horrendous toll in human lives and countless injuries reflects the fact that in reality, small arms and light weapons are actually weapons of mass destruction.

As we reassess the nature and scope of violence in a number of conflicts in the world today, it is clear that the proliferation of small arms and light weapons, particularly those that are illicitly and illegally transferred, constitutes the primary reason for addressing the problems posed by their illegitimate acquisition. Such illegal activities have not spared any country or region. A sizeable number of those transfers are directed at our region, thereby endangering stability at the national and regional levels.

In Indonesia, such unlawful smuggling of small arms and light weapons has posed grave threats to our territorial integrity by fostering separatist movements and promoting criminal activities. Hence, their unregulated circulation is no longer tenable and, in fact, would be detrimental to our national interests, in particular our internal stability.

Furthermore, like other South-East Asian countries, Indonesia tends to view this problem in the context of transnational crime because it is generally recognized in our region that arms smuggling is interlinked with cross-border crimes, such as terrorism, money-laundering and drug trafficking.

At the global level, it is pertinent to recall the Millennium Declaration of 2000, by which Member States collectively decided

> "to take concerted action to end illicit traffic in small arms and light weapons, especially by making arms transfers more transparent and supporting regional disarmament measures". (*General Assembly resolution 55/2, para. 9*)

Thus, as we approach next September's high-level plenary meeting of the General Assembly to review the Declaration, the coordinating and consultative role of the United Nations has been crucial and is bound to take on greater significance.

In recognizing the continued efforts to deal with the critical problems posed by the illicit trade in small arms and light weapons, the Security Council has undertaken numerous measures to prevent, combat and eradicate the illicit trade in small arms and light weapons, as set out in the 2001 United Nations Programme of Action. While those measures have led to positive results in some areas of the world, the problem has persisted in others, with the potential to ignite ever greater disasters. This has therefore become a concern of the international community.

Next year, the United Nations will once again host a conference to review the follow-up to and implementation of the 2001 Programme of Action. Preliminary discussions on the relevant issues have already begun, including possible agreements on legally binding measures, marking and tracing, brokering, export controls, civilian possession and the role of non-State actors.

My delegation welcomes the report of the Secretary-General contained in document S/2005/69 and is gratified to note that substantial progress has been achieved in some key areas. However, we deem it essential that efforts be undertaken in other areas as well. In that regard, allow me to address some of the report's recommendations that we consider very important.

On recommendation 4, we share the widely held view on the need for greater interaction between the General Assembly and the Security Council to deal with the threats posed by illicit transfers of small arms and light weapons. While no structured mechanism between the two organs has been established, we will support continued efforts to develop a coherent policy

and a comprehensive strategy of the United Nations on small arms and light weapons.

In post-conflict situations, as reflected in recommendation 7, we underscore the importance of implementing programmes related to disarmament, demobilization and reintegration (DDR), in particular as an essential part of the mandates of peacekeeping operations. In that context, we welcome the work initiated by the Secretariat to develop a set of policies, guidelines and procedures for planning, implementing and monitoring DDR.

With regard to recommendation 12, given the voluntary nature of the United Nations Register of Conventional Arms, we are gratified to note the remarkable progress made with respect to participation in two reporting instruments which have contributed greatly to confidence-building and security among Member States. Nonetheless, in our view, the Register needs to be further developed in order to attract the widest possible participation.

Finally, we commend the work undertaken by the Open-ended Working Group on tracing illicit small arms and light weapons, which has recently completed its second substantive session. With regard to the nature of an instrument on that matter, we fully recognize the existence of differing views among Member States and will endeavour to resolve them at the next substantive session, to be held in June this year.

We are also aware that the 2001 Programme of Action is a politically binding document which was adopted as a result of consensus. However, taking into account the increased danger posed by the illicit acquisition and transfer of small arms and light weapons, an international instrument of a legally binding nature for tracing such weapons has indeed become imperative.

In conclusion, we believe that small arms and light weapons continue to pose a grave threat to human security throughout the world and that they will not go away without impetus from the highest levels and without stronger unity of effort, including on the part of the Security Council. The United Nations — and its organs, such as the General Assembly and the Security Council — is naturally the body under whose auspices comprehensive strategies can be developed and where such efforts should be coordinated. It stands to reason that all of us should give the Organization the support and resources it needs to be able to achieve the objectives that we have set for ourselves.

The President (*spoke in French*): I thank the representative of Indonesia for the kind words he addressed to me.

I call next on the representative of the Republic of Korea.

Mr. Kim Sam-hoon (Republic of Korea): Allow me, Mr. President, to convey to you my heartfelt appreciation for your leadership in conducting this open debate of the Security Council on small arms and light weapons. The scourge of small arms and light weapons is abominable, but it is an unavoidable issue that deserves the attention and care of the international community no less than that of weapons of mass destruction. My delegation is happy to note that the Security Council, as the organ with the primary responsibility for the maintenance of international peace and security, continues to address this issue with unswerving determination and vigour. We also commend the Secretary-General for his tireless efforts to deal with the question of small arms and light weapons, specifically through the 12 updated core recommendations contained in his report to the Security Council (S/2005/69).

The Republic of Korea attaches great importance to the ongoing negotiations to develop an international instrument to enable States to identify and trace illicit small arms and light weapons quickly and reliably. We are pleased to note that, through dedicated and intensive discussions, considerable progress was made at the first and second substantive sessions of the Open-ended Working Group on that matter. We hope that the Working Group will resolve all the outstanding issues, including the nature of the instrument and the question of ammunition, and that it will reach a successful conclusion at its June negotiating session. A viable and effective international instrument on marking and tracing, working in tandem with the existing relevant international instruments, including the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, and the United Nations Programme of Action on small arms and light weapons, would be a powerful tool in preventing and eliminating the scourge of illicit small

arms and light weapons in both conflict and criminal situations.

We encourage the Security Council to devote a share of its attention to the issue of illicit brokering in small arms and light weapons. Pending the outcome of the work of a group of governmental experts on illicit brokering, to be established by the Secretary-General by 2007, we would welcome an opportunity to participate in any meaningful discussions to further study and identify the nature, scope and character of illicit brokering in small arms and light weapons. In that regard, we appreciate the efforts of the Department for Disarmament Affairs in convening open-ended informal forums on this issue.

While we support all 12 core recommendations, we attach particular importance to the following points.

First, we are of the view that smooth and effective implementation of disarmament, demobilization and reintegration (DDR) programmes in post-conflict situations is of the utmost importance, especially in connection with United Nations peacekeeping operations. We also support regional initiatives in that regard. We believe that DDR is not only crucial to freeing affected regions from the yoke of illicit small arms and light weapons but also essential for reordering and rehabilitating societies in distress.

Secondly, if we are to cut off the sneaky routes of illicit arms transfers and stop the illicit flow of arms to conflict zones, we must achieve full compliance with all relevant Security Council resolutions on sanctions.

Thirdly, we recognize the need to identify further the links among the illicit trade in small arms and light weapons, the illicit exploitation of natural and other resources and the trade in illegal drugs. We share the view that innovative measures should be developed to prevent precious natural resources from becoming a source of revenue for sinister purposes.

Fourthly, we recognize the urgent need for States to establish legislative and other measures, including the use of authenticated end-user certificates, to ensure effective control over the export and transit of small arms and light weapons. We believe that well established export-control systems, together with sound legislative structures, are imperative for combating and eradicating the illicit transfer of small arms and light weapons.

Last but not least, we also support broader participation in the United Nations Register of Conventional Arms and the United Nations System for the Standardized Reporting of Military Expenditures. In particular, we welcome the expanded coverage of the Register to include man-portable air defence systems (MANPADs). The reckless use of MANPADs by terrorists is an increasing threat to global security, and this concern should be duly reflected in the Register.

The Republic of Korea's active participation in the worldwide campaign against illicit small arms and light weapons is well known. We would be happy to share our knowledge, expertise and technology for the safe and responsible management of firearms. In addition, we are eager to contribute further to eliminating or lessening the problem of small arms and light weapons in those regions most seriously affected. In this vein, we plan this year to invite renowned African experts to our country to deepen mutual understanding on this issue and to seek ways for us to work towards the noble goal of ending the problem of illicit small arms and light weapons in Africa.

The President (*spoke in French*): I thank the representative of the Republic of Korea for the kind words he addressed to me.

The next speaker is the representative of India, to whom I give the floor.

Mr. Sen (India): As we are speaking in the Council for the first time this year, I would like to take this opportunity to welcome the presence of the new members of the Security Council — Argentina, Denmark, Greece, Japan and Tanzania — and to extend our good wishes to them.

We would like to thank you, Mr. President, for having convened this open debate of the Security Council on small arms, although we would like to reiterate our view that thematic debates should have no place in the Security Council and that they are best left to the General Assembly.

We are particularly aware of the complexity and lethality of the proliferation of the illicit traffic in small arms and light weapons. Over the past two decades, thousands of innocent civilians in India have fallen victim to the acts of terrorists, who use such illicitly obtained weapons for their nefarious activities. Since 1990, the Government of India has seized close to

40,000 such weapons whose markings indicate, unmistakably, external origin.

We remain deeply concerned that small arms and light weapons continue to pose a grave danger to the security of States. Such weapons have disrupted political stability and social harmony, derailed pluralism and democracy and hampered growth and development. They have also fuelled international terrorism and internal conflicts. In some regions, there is a clear linkage with the trade in narcotic drugs and the illicit exploitation of natural and strategic resources. In others, they have fuelled civil strife and civil war. Their indiscriminate and irresponsible use, particularly by non-State actors, has caused enormous humanitarian concern that is evident in its most potent form in Africa, particularly in some of the countries of Central and Western Africa.

India welcomes the report of the Secretary-General contained in document S/2005/69, on ways and means by which the Security Council could contribute to this issue. We have been closely following this issue in both the General Assembly and the Security Council and remain committed to supporting all international endeavours to curb and eradicate the illicit traffic in such weapons.

India has had the privilege to chair the Group of Governmental Experts on small arms and light weapons. We are also actively participating in the Open-ended Working Group currently negotiating an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons. We accord a high priority to that exercise.

Efforts towards evolving an instrument on the marking and tracing of illicit small arms and light weapons should be seen in the context of the overall implementation of the United Nations Programme of Action adopted in 2001. An important underlying theme of our collective effort is to help in the international effort to combat terrorism. Indeed, the Programme of Action highlighted the fact that the illicit trade in small arms and light weapons fuels crime and terrorism. We believe that such an instrument would contribute substantially to the efforts to combat terrorism.

We are happy to note the reference to the report of the Monitoring Group in paragraph 12 of the Secretary-General's report, which states that "combating weapons smuggling must definitely be an active part of the fight against terrorism", and adds that all States should be encouraged to adopt the measures incorporated in the United Nations Programme of Action.

Illicit trade occurs because of illicit production, or because licit production or licit stocks enter the grey and black markets, thus swelling the illicit weapons market. These weapons end up in the possession of criminals, exacerbating problems for law enforcement agencies and — worse — get into the hands of unscrupulous arms brokers, ending up in areas of conflict and in the hands of extremists and terrorists. The Programme of Action recognizes that stringent measures are needed to ensure that there are effective controls over legal transfers of small arms and light weapons.

India follows a strict policy with regard to the export of small arms and light weapons that includes the requirement for end-user certificates on a Government-to-Government basis and a ban on exports to countries that are under a United Nations arms embargo. It is our hope that all other States will also undertake the obligation not to supply such weapons to non-State actors, insist on authenticated end-user certificates to ensure effective control over the export and transit of such weapons, and not seek exemptions for State-to-State transactions or for transactions related to national security priorities. The international community, for its part, must also ensure that the trade in arms flows only through channels authorized by both the exporting and the importing Governments.

India remains committed to seeking stronger and more binding mechanisms to ensure cooperation for our collective security. The final instrument that emerges from the Open-ended Working Group on marking and tracing should reflect not only the concerns and priorities of all Member States but also the expectations of the wider international community. While States are committed to the eradication of the illicit traffic in small arms and light weapons in all its aspects, that commitment can be effectively translated into concrete action and tangible results only if it is backed by a legal obligation.

We also believe that arms are only the means of delivery and that it is the availability of illicit ammunition that allows them to be used as instruments for spreading violence and committing terrorist acts.

India, therefore, ideally favours a legally binding instrument and the inclusion of ammunition and explosives within the scope of the instrument in order to tackle the issue in a comprehensive manner.

In conclusion, the boundaries between crime, conflict and terrorism are blurred in the context of illicit small arms and light weapons. Trafficking in illicit arms straddles not only organized crime, but conflicts and the activities of terrorist and insurgent groups who may be aided and abetted either directly by States or indirectly through individuals who are part of State structures. We therefore believe that obligations undertaken by Member States under the instrument must include all small arms and light weapons, whether they are manufactured for Government or private use or for export on a State-to-State basis.

The President (*spoke in French*): The next speaker is the representative of Zambia, on whom I now call.

Mr. Mpundu (Zambia): On behalf of the Zambian delegation, allow me to congratulate you, Sir, on your assumption of the presidency for the month of February. My delegation has full confidence that your immense experience and diplomatic skill will enhance the efficiency and effectiveness of the work of this supreme body of our Organization.

My delegation wishes to commend the Secretary-General for his report on small arms, contained in document S/2005/69.

The issue of small arms and light weapons should not be viewed as a light one, as some suggest. Although they are light in nature, small arms are capable of inflicting enormous suffering on innocent people and destroying property. The question of illicit arms deals, therefore, must be tackled vigorously by all Member States if the world is to attain meaningful peace and security for all.

It is gratifying to note that Member States have recognized that the world today is faced with this common problem, which requires a common solution. Governments have a collective responsibility to ensure that peace and security prevail within and beyond their borders by cooperating with one another. Zambia shares the view of the rest of the international community that concerted efforts at national, regional and international levels can be most effective in addressing the problem of small arms and light weapons.

One of the most effective and practical ways in which to deal with the menace of the illegal trade in small arms and light weapons is through destroying them. In that context, my Government has formulated a deliberate policy in which it offers amnesty from prosecution to anyone who surrenders an illegal firearm or provides information leading to the recovery of such a firearm to the police. In return, that person receives payment of up to the equivalent of $55. Since the amnesty was announced, my Government has seen more than 3,000 firearms surrendered to the police. Some of those firearms were burned at the ceremony on 17 July 2003.

Since its independence in 1964, Zambia has been a sanctuary to many refugees fleeing armed conflicts in their countries, especially during the wars of liberation in the Southern African region. Some of the former combatants entered Zambia with their weapons and later either sold their arms cheaply to criminals or exchanged them for food. Subsequently, the weapons were used in the commission of crimes.

As a result of that proliferation of arms, my Government enacted a law to regulate civilian firearm ownership, called the Firearms Act. The Act prescribes strict control over the licensing of firearms and limits the number of permits to civilians to 600 per year. It also restricts dealers' sales of arms to licensed Zambians alone and limits the amount of ammunition they can sell to them at any given time.

At the regional level, Zambia has been active in the Southern African Development Community's programme on small arms and light weapons through the Southern African Regional Police Cooperation Organization (SARPCO), which was established in October 1995. My Government continues to encourage non-governmental organizations and civil society to get involved in the dissemination of information in this noble fight, which will enhance national and regional security and ultimately the welfare and safety of our people.

I should like to conclude by reaffirming Zambia's commitment to the fight against the illicit trade in small arms and light weapons in all its aspects. Although Zambia does not manufacture or export arms, it has been a victim of fraudulent end-users at the hands of international arms-dealer cartels. In that

regard, the Zambian Government calls for stronger and more effective controls in the export, import, transit and retransfer of small arms and light weapons. It is our considered view that the manufacturing and exporting countries are in a better position to control the illicit trade in small arms and light weapons than the recipients.

The President (*spoke in French*): I thank the representative of Zambia for the kind words he addressed to me.

I now call on the representative of Norway.

Mrs. Juul (Norway): Allow me first to thank the Secretary-General for his substantial and informative report on small arms. The report's many concrete recommendations to the Council deserve our close attention and support.

Norway aligns itself with the statement made by the Permanent Representative of Luxembourg on behalf of the European Union, but I will make some supplementary comments.

We are constantly reminded that illicit small arms and light weapons undermine conflict prevention and peace-building efforts. Illicit arms transfers to conflict regions continue at a disturbing rate. As pointed out in the report, such transfers are very often linked to the illicit exploitation of natural resources as well as to the trade in illegal drugs, creating a vicious circle of instability and crime-based economies. That undermines political stability as well as economic and social development and the attainment of the Millennium Development Goals.

Norway believes that the Security Council has a key role to play in this respect. Preventing, combating and eliminating the uncontrolled spread of small arms and light weapons must be a core element of the Council's peace efforts. More attention should be focused on the need for effective arms embargoes. The Council can certainly do its part through the establishment of special monitoring mechanisms and other measures. However, we must not forget that arms embargoes cannot be implemented effectively without the cooperation of Member States.

The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects remains the key global instrument in dealing with the issue of small arms. It is encouraging to see that national implementation of the Programme of Action is well under way and that many regional organizations are giving high priority to it. We believe that regional efforts are of particular importance in the light of shared challenges and similar experiences in dealing with the issue. Norway has assisted such efforts in a number of regions and will continue to do so. Civil society representatives have shown themselves to be constructive partners in that regard.

Norway strongly supports the efforts of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. We are pleased with the progress made at the second session of the Working Group in New York recently, but we regret the continuing disagreement on the status and scope of the instrument. To our mind, it is imperative that the instrument be legally binding. We also believe it should cover ammunition, given that that issue is so closely linked to the use and misuse of small arms and light weapons.

The issue of brokering remains essential in our efforts to deal effectively with the destabilizing effects of illicit small arms and light weapons. We welcome the focus on brokering in the Secretary-General's report in relation to its relevance both in the fight against terrorism and in ensuring effective arms embargoes in conflict areas. We need as much transparency as possible in that area.

Norway is pleased that the recent report by the High-level Panel on Threats, Challenges and Change noted the threat to stability posed by small arms and light weapons and recommended that Member States expedite and conclude negotiations on legally binding agreements on the marking and tracing, and the brokering and transfer, of small arms and light weapons. In our view, the issue of small arms and light weapons deserves to be further highlighted in the follow-up to the High-level Panel's report.

The Security Council and the Secretariat should continue their discussions of questions related to small arms. We believe it would be useful to consider whether any of the particular issues raised in the report's recommendations could lend themselves to a more focused debate in the Council at a later stage.

The interaction between the Security Council and the General Assembly on the issue of small arms and light weapons should also be looked at. We welcome

the Secretary-General's recommendation that the two organs establish a committee to look into how they could work together in that area.

We all agree on the seriousness of the issue of illicit small arms and light weapons, but we still have a way to go when it comes to developing effective international cooperation to meet the challenges involved. This debate should serve to remind us of the challenges and should encourage us all to work more effectively to deal with them.

The President (*spoke in French*): I now call on the representative of Moldova.

Mr. Grigore (Republic of Moldova): I would like to begin by congratulating you, Mr. President, on your assumption of the presidency of the Security Council for the current month, and for presiding over this important debate. We are also thankful to Mr. Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, for his comprehensive presentation.

The Programme of Action adopted at the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects emphasized the multidimensional nature of this issue and the real threat that the illicit trade in these weapons poses to the security of Member States and entire regions. We welcome the Security Council's continuing consideration of the issues related to the illicit trade in small arms and light weapons.

The Republic of Moldova also welcomes the report of the Secretary-General in document S/2005/69 on the ways and means in which the Security Council could contribute to dealing with the question of the illicit trade in small arms and light weapons. The report continues the tendency of critical analysis of the situation, acknowledging the significant progress achieved in various fields of concern and underscoring a series of actions that the Council and the General Assembly may take on the issue of small arms and light weapons.

My delegation shares the conclusion of the High-level Panel on Threats, Challenges and Change that much more needs to be done in the area of arms control and disarmament regimes, particularly in relation to the proliferation of small arms and light weapons. The Panel's recommendation on the acceleration and conclusion of legally binding agreements on the marking and tracing, as well as the brokering and transfer, of small arms and light weapons is echoed by Recommendation 1 of the Secretary General's report, and we hope that upcoming events, such as the meeting on the Programme of Action and the 2006 Review Conference, will be marked by tangible results.

The Moldovan Government is strongly committed to the implementation of the Programme of Action and is undertaking all the necessary efforts in this respect. The Republic of Moldova has developed an export control system that is largely compatible with European standards, and it has aligned itself with other efforts made at the regional and subregional level to establish mechanisms to prevent, combat and eradicate the illicit trade in small arms.

Small arms, light weapons and landmines were identified as the primary weapons in most civil wars in the 1990s, and those arms are still one of the main causes of human suffering throughout the world. And while some conflicts — with the active involvement of the international community, and primarily due to the efforts of this body — were solved and affected countries returned to the path of development and prosperity, others are still making enormous efforts to resolve difficult situations that are aggravated by the presence of huge amounts of weapons.

Regretfully, the unresolved conflict in the eastern regions of Moldova, which are controlled by a separatist regime, continues to pose a serious threat to the security, sovereignty and territorial integrity of my country, as well as to the stability of the whole region. That region remains an area of illegal production of different types of light weapons and trafficking in small arms. Those weapons end up in the possession of criminals, extremists and terrorists, thereby exacerbating problems for law-enforcement agencies, fuelling corruption and cross-border smuggling, helping to finance criminal networks and diminishing the international efforts to combat terrorism and transnational organized crime.

Due to the lack of control by the constitutional authorities over the Transdniestr segment of the border between Moldova and Ukraine, there are no guarantees that the illegally produced or trafficked armaments are not reaching other conflict zones. Furthermore, small arms trafficked from this region often lack serial numbers, which makes them ideal for organized criminals and terrorist networks. The close cooperation

of the Governments of the Republic of Moldova and Ukraine, with the assistance of the Organization for Security and Cooperation in Europe and the European Union, will substantially contribute to the prevention and elimination of illicit trafficking and will facilitate the identification of an appropriate solution for this problem.

The presence of large, unaccounted stockpiles of foreign weapons and munitions in the eastern part of the Republic of Moldova complicates the efforts to solve the political conflict and is particularly risky because of the constant danger that they may be stolen for use by the separatist paramilitaries or sold off along with illegally produced armaments. From this perspective, the Government of the Republic of Moldova considers it important that an international assessment be made to assess the stocks of armaments of the foreign troops stationed on our territory and of those belonging to the illegal paramilitary units from the eastern districts of the Republic of Moldova. Foreign troops stationed without the consent of the host State are subject to complete and unconditional withdrawal, in accordance with international commitments.

I would like to conclude by mentioning that the Security Council can provide valuable support to initiatives aimed at negotiating an international legal instrument to identify and trace illicit small arms and light weapons, as well as to national and regional efforts to curb the proliferation and illicit trafficking of these weapons, and the Republic of Moldova will fully support these activities.

The President (*spoke in French*): I thank the representative of the Republic of Moldova for his kind words. I now call on the representative of Costa Rica.

Mr. Stagno Ugarte (Costa Rica) (*spoke in Spanish*): Mr. President, we are pleased that under your presidency the Security Council once again has recognized the harmful impact of the proliferation of small arms and light weapons and consequently has decided to include this item on its agenda. This body has already adopted a number of valuable recommendations, such as the request that all States use end-user certificates in their arms transfers. There was an appeal to weapons-exporting countries to shoulder greater responsibility, an invitation to establish national registers of arms brokers and an appeal for sanctions against those who violate embargoes.

The implementation of all of all of recommendations is essential but not sufficien action of the international community in the a small arms and light weapons must go far b marking and implementing existing arms embarg is now time to look at the problem of small arm a human rights perspective. It is now time to b transfer of military matériel and personne financial and logistic support to those States military units or security forces participa systematic violation of human rights. It is now t ban the sale of weapons to those who do not r democratic principles or who have not ratified the human rights instruments and interna humanitarian law.

We should ask ourselves seriously if th Member States of the United Nations have the po will to regulate the international trade in weap order to eradicate those practices, transfers and that, due to a lack of transparency and conscience irresponsibly contributed to the proliferation of and the violation of the entire range of human rig the past five decades we have not seen the exer responsibility stemming from Article 26 of the C although that explicitly recognizes the link be disarmament and development by entrusting thi with establishing arms control systems in or promote the establishment and maintenan international peace and security with the diversion for armaments of the world's huma economic resources.

In a world of limited resources where all must establish spending priorities i incomprehensible that developing countries — include my own — spend 22 billion dollars a y purchase weapons, when that amount would ena to achieve the Millennium Development Goal regard to universal primary education and to re infant mortality, for example. The overstockpili underdevelopment equation is a sad reality, unfortunately, continues to drain many of our peo

Security is not achieved by increasing the n of weapons, as history has shown far too often. however, be achieved by righting wrongs, overc deficiencies, pursuing shared objectives disseminating universal values. However, with

exceptions, we have followed a path based on a misunderstanding of security, which has left us completely vulnerable to poverty, ignorance and epidemics. We have given priority to a kind of security that has consumed a considerable portion of the limited resources available and has hampered and halted development.

In 2001 alone, more than 16 billion units of ammunition were manufactured — that is, more than 2 bullets per person on the planet. That means that we all are targets and that, every minute of every hour of every day, a person dies.

While we welcome and are grateful for the Secretary-General's report, and we fully agree with its 12 recommendations, we regret the fact that no reference is made therein to the need to draft an international and legally binding instrument that would put an end to all irresponsible sales and transfers of weapons which contribute to violations of international humanitarian law and of human rights.

Because we are sickened and horrified at the bloodshed and its unconscionable nature, we decisively and enthusiastically support the Arms Trade Treaty (ATT), and we appeal to all Member States that are committed to transparency in the arms trade and to full respect for of human rights to support that preventive instrument. The ATT sets a series of limitations on the arms trade that are based on existing obligations under international law and on expected use.

It encompasses existing obligations stemming from the Geneva Conventions, the Mine-Ban Treaty and the Convention on Genocide, with a view to the incorporation of those criteria into the national legislation of each State. It is time to put an end to the irresponsible trafficking in weapons, and time to empty the arsenals of illicit weapons. To date, nine Member States, including a permanent member of the Council, have publicly expressed their support for such an initiative, and Costa Rica is honoured to be one of them.

As a basic principle, the draft framework convention establishes that authorization is required for all arms transfers. The text further stipulates a number of restrictions on transfers that devolve directly from existing obligations on States under international humanitarian law, such as the ban on the use of weapons or weapons whose effects are deemed to be indiscriminate or excessively cruel. Additionally, the draft establishes a number of bans on weapons transfers when it is foreseeable that they will be used in violation of the Charter of the United Nations, to commit serious violations of human rights or of international humanitarian law, or to perpetrate genocide or crimes against humanity.

The ATT does not seek to create new obligations. It seeks simply to spell out categorically the logical and necessary consequences of existing norms and principles.

In addition, the draft calls for the adoption of innovative precautionary measures that, in principle, should be borne in mind in authorizing any arms transfer. We hope that this draft will become a model for internationally binding agreements that, once adopted, will facilitate coordinated and specific action aimed at regulating arms transfers.

The Security Council must devise new mechanisms to ensure compliance with arms embargoes. The most recent report of the Secretary-General makes clear once again that compliance with recommendations on embargoes continues to fall short. We need only recall that, in 2001, 54 countries were linked to transfers or resales, in express violation of existing arms embargoes. In the meantime, the sanctions committees established by the Security Council to verify compliance with those embargoes were incapable of taking more effective action.

But sanctions committees are political bodies that do not have the technical capacity for genuine verification. For that reason, we deem it necessary to consider creating within the Secretariat a mechanism that would proactively monitor the implementation of arms embargoes and provide technical support to the political work done in the sanctions committees.

The President (*spoke in French*): I thank the representative of Costa Rica for the kind words he addressed to me.

The next speaker on my list is the representative of Mali, to whom I give the floor.

Mr. Diarra (Mali) (*spoke in French*): Mr. President, allow me to express my delegation's satisfaction at your assumption of the presidency of the Security Council during this month of February. Moreover, my delegation is grateful to Benin for having initiated this debate on the topic of small arms, which is so very important to our African continent.

It has been a little more than a year since the Security Council considered and adopted a statement on this issue. The report submitted by the Secretary-General on 7 February 2005 (S/2005/69) evaluates the progress achieved since 2004 in the implementation of the 12 recommendations contained in his previous report of 20 September 2002.

I should like here to thank Under-Secretary-General Abe for his presentation of the report.

Regarding recommendation 1 — on the development of an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons — the second session of the Open-ended Working Group, under the chairmanship of Ambassador Anton Thalmann of Switzerland, made progress in discussions on the standards that should apply in this area in future. We look forward with interest to the conclusion next June of the Working Group's efforts.

We welcome also the contribution made by the United States and Canada to the strengthening of the Interpol Weapons and Explosives Tracking System, and we call on other countries to act along those lines. That system could provide expertise in the framework of the legal instrument that is in the process of being negotiated. My delegation supports the establishment of a mechanism to coordinate assistance to Member States in implementing the United Nations Programme of Action of July 2001.

Strengthened interaction between the General Assembly and the Security Council in combating the proliferation of small arms could be a way of ensuring better cooperation aimed at the adoption of a long-term strategy.

The Secretary-General has proposed the creation of a small committee to study ways and means of achieving such cooperation. That practical proposal could be taken into consideration.

The illicit exploitation of natural and other resources in conflict areas exacerbates crisis situations by increasing the demand for arms and intensifying their illicit proliferation. My delegation believes, however, that in post-conflict situations — that is, at a time when weakened States need resources to consolidate their institutions and programmes — embargoes on natural resources should be relaxed, if not lifted, in order to enable the country to make use of them.

Disarmament, demobilization and reintegration (DDR) programmes have made noteworthy progress, as noted in the report of the Secretary-General. My delegation welcomes the work done since 2004 by the inter-institutional working group on DDR to elaborate policies, guidelines and procedures for the establishment of such programmes.

My delegation believes that the Security Council should give due consideration to the reintegration aspect and ensure that it is covered by the budget for peacekeeping operations. That involves the reintegration of former combatants in the communities and taking account of the needs of the dependents.

Similarly, my delegation believes that regional management of DDR programmes make it possible to prevent transborder movements of combatants among neighbouring countries in areas of conflict.

The adoption of legislative and other measures, including end-user certificates, is part of the international and regional cooperation framework that includes the responsibility of supplier and user States to prevent the diversion of such weapons for illegal purposes. In that connection, the ECOWAS subregion is working closely with the United Nations Office for West Africa in order to agree measures to be taken to implement the Secretary-General's recommendation. A programme of work for the two institutions covering the period 2004-2005 has been agreed. This cooperation will benefit the new ECOWAS Small Arms Project (ECOSAP) established by ECOWAS in October 2004 to replace the Programme for Coordination and Assistance for Security and Development (PCASED).

In order to limit the illicit proliferation of small arms and ammunition, we must strictly implement all the Security Council embargoes on weapons and related matériel. The establishment of monitoring bodies to support the work of sanctions committees is an operational measure that should be supported by strengthening the technical capacity of countries bordering areas of conflict.

The growing participation by States in the United Nations Register of Conventional Arms and the United Nations standardized instrument for reporting military

expenditures is a positive trend that should be encouraged.

At the national level, the contribution of the Republic of Mali to the fight against the illicit proliferation of small arms and related matériel includes the strengthening of our law on arms and munitions in order to include the international commitments our country has assumed.

On the bilateral level, Mali has established a border commission with each of its seven bordering countries to establish a framework for cooperation to combat arms trafficking.

At the subregional level, the ECOWAS Moratorium on Small Arms, which was renewed in 2004, should be made a legally binding instrument. The recent creation of a Small Arms Unit in its Executive Secretariat and the technical support provided by PCASED also strengthen cooperation between the States of West Africa. Our subregion is also benefiting from the valuable support of the United Nations Office for West Africa. My delegation calls for the strengthening of that cooperation.

On the continental level, my country reaffirms its commitment to the Bamako Declaration of December 2002 and to the September 2002 Algiers Plan of Action.

Finally, at the international level, the conduct of my country is determined by the July 2001 United Nations Programme of Action, the negotiations under way to agree an international instrument to identify and trace illicit small arms and the resolutions and statements of the Security Council on the subject.

The President (*spoke in French*): I thank the representative of Mali for his kind words addressed to me.

I now call on Mr. Nobuyasu Abe to respond to comments that have been made.

Mr. Abe: I just have a few words to say. I would like once again to express my thanks for the opportunity provided today by this open debate on the question of small arms. I also wish to thank the delegations that expressed words of encouragement to the Secretariat for the continuation and intensification of our work. Those of us in the Secretariat — its departments and branches — will be intensifying our work with renewed vigour. We shall also be strengthening our coordination within the Secretariat and with the related agencies.

The President (*spoke in French*): I thank the Under-Secretary-General for his statement.

Following consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council welcomes the report of the Secretary-General on the implementation of his recommendations to the Council entitled 'Small arms' (S/2005/69) of 7 February 2005, and reaffirms the statements of its President of 19 January 2004 (S/PRST/2004/1), of 31 October 2002 (S/PRST/2002/30), of 31 August 2001 (S/PRST/2001/21) and of 24 September 1999 (S/PRST/1999/28).

"The Security Council recalls its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. In this regard, the Security Council recognizes that the dissemination of illicit small arms and light weapons has hampered the peaceful settlement of disputes, fuelled such disputes into armed conflicts and contributed to the prolongation of such armed conflicts. The Council reaffirms the inherent right of individual or collective self- defence in accordance with Article 51 of the Charter of the United Nations and, subject to the Charter, the right of each State to import, produce and retain small arms and light weapons for its self-defence and security needs.

"The Council encourages the arms-exporting countries to exercise the highest degree of responsibility in small arms and light weapons transactions according to their existing responsibilities under relevant international law. It also encourages international and regional cooperation in identifying the origin and transfer of small arms and light weapons in order to prevent their diversion, in particular to Al Qaeda and other terrorist groups. The Council welcomes the significant steps that have been taken by Member States and international and regional organizations in this regard. The obligation of Member States to enforce the arms embargo should be coupled with enhanced international and regional cooperation concerning arms exports. The Council encourages Members to

undertake vigorous actions aimed at restricting the supply of small arms, light weapons and ammunitions to areas of instability.

"The Security Council takes note that the United Nations Second Biennial Meeting of States to consider the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects will be held July 2005, and encourages Member States to fully cooperate with the Chair of the Meeting to have a successful outcome.

"The Security Council notes with appreciation that regional actions on illicit trade in small arms and light weapons in all its aspects have been strengthened in recent years, and encourages the continuation of assistance at national, regional and international levels that would fit the needs of Member States to implement the recommendations contained in the Programme of Action adopted by the July 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

"The Council welcomes the ongoing efforts by the open-ended working group established by General Assembly resolution 58/241 of 23 December 2003 to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, and calls upon all Member States to support all efforts aimed at this purpose. It expresses the wish that the ongoing work within the group will lead to a positive conclusion at its third session as scheduled.

"The Security Council welcomes the adoption of General Assembly resolution 59/86 of 10 December 2004, by which, among other things, it requested the Secretary-General to continue broad-based consultations on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons with a view to establishing a group of governmental experts to consider the issue.

"The Security Council welcomes the inclusion of man-portable air defence systems (MANPADs) on an exceptional basis in United Nations Register of Conventional Arm

"The Security Council further encour Member States that have not already done s establish the necessary legislative or measures, including the use of authenticated user certificates, to ensure effective control the export and transit of small arms and weapons.

"The Security Council renews the sup given to the plan of ECOWAS to strengthen moratorium signed in Abuja on 31 October 1 on the import, export and manufacture of s arms and light weapons and to replace it wi mandatory convention. It welcomes the deci by the European Council on 2 December 200 significantly support this initiative and calls u all States and organizations in a position to d to support this endeavour.

"The Council calls upon all Member St to enforce all Security Council resolutions sanctions, including those imposing a embargoes, in accordance with the Charter of United Nations, and to bring their own dome implementation into compliance with Council's measures on sanctions. The Cou calls upon all Member States to continue to m available to the sanctions committees all pertin information on any alleged violations of a embargoes and to take appropriate measures investigate such allegations. The Council u Member States in a position to do so to prov assistance to interested States in strengthen their capacity to fulfil their obligations in regard.

"The Security Council underlines that issue of the illicit trade in small arms and l weapons must be addressed together with disarmament, demobilization and reintegrat (DDR) process in the post-conflict phases. Council recognizes that DDR is closely lin with the long-term peace and security in a p conflict situation and recalls that a grow number of peacekeeping missions contain DDR element as part of their mandate. In regard, the Council stresses the importance o comprehensive international and regio approach to DDR that is not limited to

political and security aspects of disarmament, demobilization and reintegration of former combatants, but addresses also its social and economic aspects, including special needs of child soldiers and women.

"The Security Council, while bearing in mind that the issue of the illicit small arms and light weapons has a multidisciplinary nature, encourages Member States in a position to do so to provide assistance and support to the United Nations Coordinating Action on Small Arms mechanism.

"The Council continues to recognize the need to engage the relevant international organizations, non-governmental organizations, business and financial institutions and other actors at the international, regional and local levels to contribute to the implementation of arms embargoes and to the wider objective of preventing illicit trafficking of small arms and light weapons.

"The Security Council requests the Secretary-General to update the Council on 28 February 2006 for its earliest possible consideration of the implementation of all the recommendations contained in his report entitled 'Small arms' of 20 September 2002 (S/2002/1053)."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2005/7.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5 p.m.

United Nations S/PV.5128

Security Council

Sixtieth year

Provisional

5128th meeting

Tuesday, 22 February 2005, 3 p.m.

New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. Mayoral
	Brazil	Mr. Tarrisse da Fontoura
	China	Mr. Zhang Yishan
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mr Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mrs. Patterson

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-24458 (E)

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast. I now give him the floor.

Mr. Prendergast: Since I briefed the Council last month on the Middle East, people across the region have had their hopes rekindled for progress towards peace between Israel and the Palestinians. They have, at the same time, been angered and outraged by the cold-blooded terror attack in Lebanon that took the life of former Prime Minister Rafik Hariri and others.

The hope flows from the summit meeting between President Abbas and Prime Minister Sharon that took place in Sharm el-Sheikh on 8 February, hosted by Egyptian President Hosni Mubarak, in the presence of Jordan's King Abdullah. At Sharm el-Sheikh, President Abbas and Prime Minister Sharon reaffirmed their commitment to the road map. Signalling their desire to break away from bloodshed and despair, the two leaders agreed that "all Palestinians [would] stop all acts of violence against Israelis everywhere" and that "Israel [would] cease all its military activity against all Palestinians everywhere".

Both parties have since taken actions to keep up the momentum generated by the summit. Indeed, it is our hope and expectation that the understandings reached at the summit will be implemented fully and on time. The Government of Israel announced that it would release 900 prisoners and withdraw from five West Bank cities and the surrounding areas. On 21 February, 500 Palestinian prisoners were released. Negotiations to resolve impediments to the Israeli withdrawal are continuing, and we hope that Jericho, as well as Tulkarem, Qalqiliya, Bethlehem and Ramallah, will soon be handed over to the Palestinian Authority.

We commend Israel's decision to halt punitive house demolitions. Israel also reopened the three crossing points into Gaza — Erez, Rafah and Karni — after temporarily closing them in the wake of Palestinian attacks. Israel announced, moreover, that it was issuing more work permits, bringing the total number of workers authorized to enter Israel via Erez to 1,600. New permits were issued to 300 merchants and 600 labourers for the Erez industrial zone.

On the Palestinian side, President Abbas has acted courageously to end violence. In the past month, the Palestinian Authority deployed 1,000 security officers along the Gaza Strip's northern border with Israel and hundreds more in the central and southern districts of Gaza. President Abbas also relieved three top security commanders in Gaza of their duties following a raid by militants against a Palestinian Authority prison in Gaza, during which three inmates were killed, and the firing of dozens of mortar shells against Israeli settlements on 10 February. Fulfilling an important obligation under the road map, Abu Mazen also restructured the security services into three main branches — the national forces, the intelligence forces and the police — all of which will report to the Palestinian Prime Minister.

Together, those steps demonstrate President Abbas's determination to prevent future attacks. An important result of his efforts came on 12 February, when Hamas and Islamic Jihad agreed to a temporary ceasefire. We call on those groups to eschew terror and armed confrontation with Israel and to choose the peaceful, democratic road of negotiations and political activism. The path taken by President Abbas will not be easy. If he is to prevail against those who favour violence over peace, he will need strong support from both Israel and the international community.

In addition to the positive steps taken by each party, we are most encouraged by the resumption of direct engagement between them. Most significantly, Prime Minister Sharon has reiterated his readiness to coordinate with the Palestinians the disengagement

plan from the Gaza Strip and parts of the northern West Bank, and the first meetings to that effect have taken place. Vice-Premier Peres has met with a number of senior Palestinian officials to begin coordinating the civilian and economic aspects of Israel's withdrawal. We commend Prime Minister Sharon's steady commitment to disengagement in the face of a serious escalation in threats and protests from his domestic opponents. In an important decision, on 20 February the Israeli Cabinet approved in principle the evacuation of settlements under the disengagement plan. The Knesset also demonstrated support for the Prime Minister by passing, on 16 February, the Compensation and Evacuation Law. That law is an essential step in carrying out the withdrawal plan.

As members of the Council will have noted, there are many positive developments to be welcomed and encouraged. At the same time, we need to be aware that the conflict continues and that it continues to bring an unacceptable toll of death and suffering.

Over this past month, 54 Palestinians and 8 Israelis were killed, and 150 Palestinians and 46 Israelis were injured. On 13 January, Hamas, the Popular Resistance Committees and the Al-Aqsa Martyrs Brigade attacked the Karni crossing between Israel and the Gaza Strip, killing six Israeli civilians. In response, Israel announced that it would temporarily cut all ties with the Palestinian Authority, and the Israel Defence Forces (IDF) renewed military incursions into Palestinian areas, which had been suspended since the Palestinian presidential elections. On 15 and 16 January, eight Palestinians were killed in Israeli military operations throughout the Gaza Strip. Palestinian militants fired large numbers of Qassam rockets and mortar shells, which critically wounded a 17-year-old Israeli girl in Sderot on 15 January. I am very sorry to report that she died six days later.

On 31 January, a 10-year-old Palestinian girl was killed in the yard of a school of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the southern Gaza Strip. This is the fourth tragic incident in the past year in which a Palestinian child has been killed by Israeli fire into an UNRWA school. As we have stated here before, all United Nations buildings and installations — but especially schools — must be kept safe and protected at all times. Our concern has been conveyed to the Government of Israel, and we are now awaiting the outcome of an IDF investigation into the incident.

Despite the vastly improved political climate and the initial measures that Israel has instituted, most movement restrictions for Palestinians remain in place, in the form of checkpoints, curfews and the permit system. The lack of improvement in the daily lives of ordinary Palestinians poses a serious threat to the viability of a renewed peace process.

Closure continues to impact on humanitarian operations, as well. Frequent and prolonged closure of the Karni crossing into Gaza has created a backlog at Ashdod port of more than 900 containers destined for UNRWA, costing the Agency storage and demurrage charges of more than $30,000 a day. With an additional 390 empty containers remaining inside the Gaza Strip at a daily cost of $7,000, UNRWA has incurred total storage and demurrage charges of more than $4.5 million since March 2004. We hope that current Israeli efforts to alleviate this situation will lead to a satisfactory and lasting solution.

On 20 February, the Israeli Cabinet approved the revised route of Israel's barrier in the West Bank, which, although it has been moved closer to the Green Line, still incorporates a large amount of Palestinian land. To the south of Jerusalem, the new route places the Gush Etzion settlement block on the Israeli side of the barrier and surrounds four Palestinian villages with some 18,000 residents, plus a sizeable amount of Palestinian agricultural land. The Government restarted barrier construction in the Salfit area of the northern West Bank around the settlement of Ariel, raising concerns that large amounts of Palestinian territory might end up being incorporated on the Israeli side. Barrier activity also intensified in the Jerusalem area, where a large number of confiscation orders have recently been served to landowners.

We recognize Israel's right and duty to protect its people against terrorist attacks. But, now more than ever, we urge the Government of Israel to address its legitimate security needs in ways that do not increase suffering among Palestinians, prejudge final status issues or threaten the longer-term prospects for peace by making the creation of a viable and contiguous Palestinian State more difficult. We reiterate our call on Israel to abide by its legal obligations as set out in the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15.

The international community has come together in support of the new momentum to assure the parties

that they are not alone and that we will accompany them along the road to a just, lasting and comprehensive peace.

The Quartet principals will meet on the margins of the London conference on 1 March, following contacts at the envoy level during the past month. They will review the progress that the parties have made to date and decide on further action over the coming months.

The London conference, hosted by the Government of the United Kingdom, will bring together the members of the Quartet, the Group of Eight, a range of key donors and the Palestinian Authority. Prime Minister Qurei will present the Palestinian Authority's reform agenda and, together with the other participants, will assess suitable mechanisms to help the Palestinians lay the groundwork for an independent, sovereign, viable, contiguous and democratic state. The Secretary-General will attend this important and constructive meeting.

The London conference, while not a donor event, offers an opportunity for the international community to be updated on the Palestinian Authority's precarious fiscal situation and to provide urgently needed funds for short-term assistance. At the end of January, the Palestinian Authority had received only $20 million from the United States and $5 million from Norway, out of a total of $660 million pledged for the year. The United States and others have since announced plans for additional support. Consolidated action is needed from the international community to ensure the financial stability of the Palestinian Authority at this pivotal time.

At the outset, I mentioned the outrage caused by the atrocious terrorist attack in Beirut on 14 February that killed former Lebanese Prime Minister Rafik Hariri and 14 others. The funeral for Mr. Hariri and his colleagues took place on 16 February. Mr. Lakhdar Brahimi represented the Secretary-General.

Pursuant to the Council's request that the Secretary-General urgently report on the circumstances, causes and consequences of the killing of Mr. Hariri, the Secretary-General acted promptly to select a team, headed by Mr. Peter Fitzgerald of Ireland, who is a senior law enforcement official. The team, which includes other staff with relevant expertise, will make contact with Lebanese officials and others in order to gather such information as is necessary for the Secretary-General to report to the Council in a timely manner.

Turning to southern Lebanon, during the reporting period there have been several disturbing incidents along the Blue Line, but no serious escalation. On 14 January and again on 17 January, Hizbullah detonated explosive devices along the Blue Line, fortunately without causing any casualties. We reiterate our call on the Government of Lebanon to extend its authority throughout its territory.

In response to those attacks, Israel carried out immediate air strikes against Hizbullah targets in southern Lebanon, reportedly injuring two Lebanese civilians. Israel's security Cabinet approved in principle a military operation along the Blue Line on 19 January. The operation did not take place, thus averting a further escalation of the situation. Regrettably, however, a total of 30 Israeli overflights were recorded during the past month, some of which were reported to have been deep in Lebanese territory. We reiterate our position that these air violations must cease.

By their meeting in Sharm el-Sheikh and the measures taken subsequently, Prime Minister Sharon and President Abbas have stirred widespread hope that Israelis and Palestinians may finally be on the path to peace. They have effectively restarted the process to implement the provisions of the road map, as endorsed by the Council in its resolution 1515 (2003). The end goal remains settling their conflict, ending the occupation and establishing a Palestinian State living side by side with a secure Israel. We are convinced that 2005 is a year of opportunity. We fervently hope that, as the Secretary of State of the United States, Condoleezza Rice, put it, the international community will help the parties to transform opportunity into achievement.

The President (*spoke in French*): I thank Mr. Prendergast for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 3.30 p.m.